

MEMORANDUM

TO: Ginny Rowen
CC: James Gulson, Oxford Capital Partners
Bob Woodruff, W H Gordon and Associates
Antonio J. Calabrese, Cooley Godward Kronish LLP
FROM: Ben I. Wales
DATE: September 9, 2009
RE: ZMAP 2007-0004 National Conference Center

Further to our recent meeting, this letter provides confirmation of responses to the latest referral comments provided for the above referenced rezoning application. Each comment is summarized (noted in italics) and followed by our response.

County of Loudoun Department of Building and Development – Environmental Review Team

Comment 1: Draft proffer VII.D commits to a best management practice (BMP) design that achieves a 50-percent phosphorous reduction using a pond design that disturbs a minor floodplain channel. Because this is considered an "on line" impact per the US Army Corps of Engineers and Virginia Department of Environmental Quality, staff considers the proffer language insufficient and recommends that the applicant achieve the phosphorous reduction through BMP design within the proposed landbays and uphill of the floodplain and river and stream corridor.

Response: After reviewing the proposal following the recent meeting with Staff, the Applicant does not feel able to commit to a level of phosphorus removal higher than required by the Zoning Ordinance. The Applicant had hoped to achieve a 50% phosphorus removal using either an in-line or off-line pond. Unfortunately, Staff was not able to support either of these facilities. Without undertaking detailed engineering work, the Applicant is not able to commit to achieving a higher reduction than required on the application property. The Applicant will therefore achieve a minimum of 35% phosphorus reduction.

Comment 2: Staff understands it to be the case that the applicant does not agree to any energy efficiency or other green building commitments as recommended by Revised General Plan policy.

Response: Further to our discussion with Staff, the Applicant agrees with Staff's suggested commitment to achieving Energy Star certification for all single family units developed on the Property (see Proffer VII.A.).

As Energy Star certification is not available for multi-family buildings of three or more stories, the Applicant has included draft Proffer VII.B. to commit to the use of energy efficient appliances and lighting in the proposed multi-family building, together with use of Water Sense toilet, shower and sink fixtures to assist in water conservation. We trust that this commitment can be supported by Staff.

Comment 3: Zoning and Planning staff have recommended increased open space area, including active recreation open space. ERT concurs with these recommendations. ERT has also recommended preservation of healthy stands of hardwood forest canopy that the applicant has not agreed to. Staff notes that active recreation has been incorporated into neighborhood developments in ways that preserve tree canopy, including Dinosaur Park in Ashburn. Therefore, ERT recommends depiction of larger areas of active recreation on site, including tot lots, that will be designed to preserve hardwood canopy sufficient to provide shade for said recreation areas.

Response: As confirmed at our meeting, Community Planning and Zoning comments were not suggesting that more open space or active recreation space should be provided on the Property.

As discussed, the proposal is exceeding both the required amount of open space and active recreation space; the active recreation requirement is being exceeded by more than 23%. The Applicant does not believe that additional active recreation is warranted.

The Applicant notes that Staff suggests the provision of a tot lot within exiting mature vegetation at the Property. As discussed at the meeting, the Applicant believes 1) the amount of active recreation space proposed is more than sufficient to meet the proposed community, 2) such a facility would reduce mature vegetation and reduce the buffer between the neighborhood and the PD-SA district to the north, and 3) areas of mature trees will be retained at the Sports-Plex facility to allow residents to congregate/picnic in shaded areas.

Comment 4: Draft proffer VII.E commits to buffer enhancement planting areas without clearly specifying said areas on Sheet 5. Staff requests further details on location, quantity and ratios of plant types to verify the benefit of this proffer.

Response: Buffer enhancement plantings were envisioned before the proposal was revised to provide a 50 foot management buffer around RSCOD areas and areas with steep slopes. Such enhancement plantings are no longer needed. Reference to buffer enhancement plantings are no longer proposed and have been removed from the application.

County of Loudoun Department of Building and Development- Proffer Management

Comment 1: First paragraph of the Proffer Statement should include a statement that approval of ZMAP 2007-0004 replaces the proffers previously approved with ZMAP 1994-0001.

Response: Comment acknowledged. Please see the revised draft proffers.

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Comment 2: Proffer III.A states that there will be two tot lots provided. Where will these tot lots be located? Please show them on sheets 4 and 5 of CDP.

Response: The Applicant is no longer proposing tot lots as part of this application. References to tot lots have been removed from the application materials.

Comment 3: Proffer III.B, Civic Space: Sheets 4 and 5 of the CDP need to show the public and civic areas that are listed on sheet 6. For example, where will the community gardens be located? Where will the picnic areas be located?

Response: Comment acknowledged. Please see the revised Sheet 6, which confirms that the Sports-Plex facility will meet civic use requirements. Community gardens and picnic areas are no longer being proposed to contribute to required civic space.

Comment 4: Proffer III.C, Land Bay O-6: This area consists of steep slopes and flood plain. Does the County really want to receive this property? What is the intended use?

Response: Staff from the Parks, Recreation and Community Services department has confirmed that it would like to receive ownership of this land. The Applicant defers to Staff from that department on the intended use of the space.

Comment 5: Proffer III.D: Contrary to what is stated in the proffer, sheet 6 of the CDP does not show where the existing tot lot at Lansdowne Sports Park will be relocated.

Response: Comment acknowledged. As discussed with Staff, the new tot lot location at Lansdowne Sports Park is shown on Sheet 4.

Comment 6: Proffer IV.A, Capital Facilities Contribution: The County cannot support this proffer as it is currently worded; we have no way to keep track of the deductions that the application is proposing. The capital facility credits need to be netted out so that the remaining amount will be paid on a per unit basis. We cannot issue credit for the proposed offsets and wait to require payment until the cumulative value of the market rate residential zoning permits exceeds the total capital facilities credit of \$3,154,000 as currently proposed in the proffer statement.

Response: Comment acknowledged. Please see the revised draft proffers. The Applicant is requesting only a \$30,000 credit for the construction of a new tot-lot at Lansdowne Sports Park and proposes that this figure be subtracted from the Capital Facilities Contribution to be paid for the first single-family unit constructed on the Property.

Comment 7: Proffer VII.D, Phosphorous Removal: Is the proposed proffer above and beyond what the developer is already required to do by the Facilities Standards Manual and the Virginia Stormwater Management Handbook?

Response: Proffer VII.D has been removed from the draft proffer statement. The Applicant will provide the level of phosphorus removal required by the Zoning Ordinance.

Comment 8: Proffer VII.E, Stream Corridor Plantings: None of the five buffer enhancement areas are shown on sheet 5 of the CDP as stated in the proffer. Please revise the proffer to depict these areas.

Response: Comment acknowledged. Buffer enhancement plantings were envisioned before the proposal was revised to provide a 50 foot management buffer around RSCOD areas and areas with steep slopes. The planting areas are no longer needed. Reference to buffer enhancement plantings are no longer proposed and have been removed from the application.

County of Loudoun Department of Planning

Comment 1: As currently proposed there are no commitments to on-street parking or detached and/or rear loaded garages for single-family attached units as recommended in the 3rd referral.

Response: As discussed with Staff, Sheet 6 of the CDP confirms approximately 216 parking spaces will need to be provided on streets. All private streets within the proposal have been designed to accommodate on-street parking.

With regard to rear loaded garages, the development anticipates that all units will have rear-loaded garages; the CDP shows alley access to the rear of each unit. However, given that no builder or developer has been identified for the Property, the Applicant does not know what specific type of unit design will ultimately be constructed on the Property and seeks to retain flexibility for the potential for some units to be front loaded where there are compelling reasons and an attractive product to justify this. The Applicant anticipates that the final project design will require Lansdowne Conservancy and Architectural Review Board approval, which will control the potential for front loaded garages and ensure that unit layouts are consistent through the various land bays within the proposal.

Comment 2: Sheet 6, Tabulation & Requirement Sheet provides tables outlining the open space and civic space calculations. It appears that Landbay O-2 is included in both tables. Furthermore, the public and civic space calculation table includes 3.90 acres of "Civic Area uses such as but not limited to community gardens, picnic areas, trails and paths". Staff is unsure where these amenities are located on the subject property. Please note that community gardens as well as trails and paths do not meet the Plan's intent for civic space. Civic uses should consist of public gathering places, creating a focal point for the community. The Plan calls for residential neighborhoods to provide public and civic space at a minimum of 10% of the gross acreage of the property, totaling approximately 4.56 acres for the subject site. According to the public and civic space calculation provided on Sheet 6, 32,000 square feet of the existing Sports-Plex will meet the criteria of civic space as well as a 0.77 acre civic green area (landbay O-2), totaling 1.5 acres. Staff recommends revising the CDP to show an additional 3.06 acres of civic space to meet the land use requirement as called for in the Plan.

Response: As discussed with Staff, required civic uses will be met by the Sports-Plex/Community Center. The Applicant is also proposing that Land Bays O-2, O-3 and O-4 will be Community Gardens.

Comment 3: Proffer IIIA provides that 2 tot lots will be provided, but no information has been included where these tot lots will be located. Furthermore, the proffer states that the tot lots will include age appropriate commercial quality recreational equipment (such as, but not limited to, swings, a swing set, a slide and/or a see-saw). As currently proposed, staff has no assurance that the proposed tot lots will meet the intent of the Plan (according to the proposed proffers one slide would satisfy the requirement for a tot lot).

Response: Comment acknowledged. As discussed with Staff, the Applicant is no longer proposing tot lots as part of this application. References to tot lots have been removed from the application materials.

Comment 4: Proffer VIIID states the existing Sports-Plex will be either annexed into the Lansdowne on the Potomac HOA or if the property is not annexed into the Lansdowne on the Potomac HOA or if the HOA does not want to accept ownership of the Sports-Plex/Community Center, the facility will be dedicated to the Loudoun County Department of Parks, Recreation and Community Services (PRCS). The right to use the Sports-Plex will be retained through either agreement at no cost, by guests and staff of the National Conference Center. Staff also notes that the applicant is proposing capital facility credit in the amount of 3 million dollars for the Sports-Plex/Community Center (Proffer IVA) as well as the improvements to the Sports-Plex/Community Center included in Proffer VIIID2 totaling \$120,000. As the facility is proposed to serve the residents of the proposed community and there is no guarantee that the facility will be dedicated to the PRCS, staff recommends removing all capital facility credits associated with the facility itself and improvements to the facility. Furthermore, staff notes the additional transportation impacts associated with the Sports-Plex/Community Center being utilized as a public facility have not been analyzed.

Response: Comment acknowledged. The Applicant is no longer seeking capital facilities credits for the Sports-Plex/Community Center associated with this facility.

With regard to trip generation for the Sports-Plex facility, the Applicant's traffic engineers, Gorove/Slade, has determined that:

1. The majority of traffic accessing the Sports-Plex will be generated during off-peak hours, especially during the afternoon. Therefore, traffic generation will not result in a substantial increase to peak hour traffic.
2. The Sports-Plex will serve residents from the proposed residential development as well as adjoining residential neighborhoods. Therefore, traffic/patrons generated by the facility will be internal and will generate less external vehicular traffic than would normally be anticipated by a facility of this size.
3. The combined traffic generated by the proposed residential neighborhood and Sports-Plex will be approximately 85% less traffic than would be generated by the approved office use of the Property.

Comment 5: Proffer IIID states that the owner shall relocate an existing tot lot at Lansdowne Sports Park to an alternative location within the Park as shown on Sheet 6 of the CDP. Staff notes the tot lot is not shown on Sheet 6.

Response: Comment acknowledged. The proposed tot lot location is shown on Sheet 4.

Comment 6: The applicant is requesting a Zoning Ordinance Modification (ZMOD) to permit more than 79 units to be served via a single point of access. The applicant is proposing to extend Road A to Kipheart Drive, providing a second point of access. However, the extension of Road A is proposed to cross through the County's Lansdowne Sports Park and is contingent on an easement being granted by the Board of Supervisors. Staff notes the applicant has been working with PRCS regarding the proposed roadway crossing. However, if the Board does not grant the easement, staff has concerns with regard to the entire 212 units being served via a single point of access. Staff notes the conference center as well as Belmont Ridge Middle School would also be served by this single point of access. Staff has spoken with Fire, Rescue, and Emergency Management and understands they continue to have concerns with regard to safety associated with the requested modification. Proffer VIA provides that residential permits shall not be issued for more than 79 units at the property unless and until Road A has been extended to connect to Kipheart Drive. Staff is unsure why the ZMOD to permit more than 79 units to be served via a single point of access is still being requested. For the reasons stated above, staff does not support permitting more than 79 units to be served via a single point of access. Staff recommends removing the requested modification from the application materials.

Response: Comment acknowledged. The Applicant looks forward to discussing the proposed connection with Kipheart Drive with the Board of Supervisors.

Comment 7: Staff notes that Proffer IVA pertaining to capital facilities contributions includes a maximum amount of \$5,898,726 less the amount of proposed credits (see discussion above). The proffers also provide that for each market rate residential unit a capital facility contribution will be provided in the amount of \$46,819 per single-family detached residential unit, \$29,709 per single-family attached residential unit and \$18,904 per multi-family residential unit. As these proffers provide the amount for the different unit types, a maximum amount is unnecessary. Staff notes that a commitment to a minimum amount of Affordable Dwelling Units (ADU) has not been included with the application materials and therefore the total anticipated capital facilities contribution may be higher than \$5,898,726 (see below).

Response: As discussed with Staff, the amount of capital facilities contributions referenced in Proffer IV.A. is based on the number of ADUs actually generated at the Property. The Applicant does not feel able to commit to a minimum number of ADUs because if 212 units can not be constructed, the number of required ADUs will be reduced. Until final engineering is undertaken for the Property, the Applicant will not know for certain how many units can be constructed. For this reason, the Zoning Ordinance does not require the number of ADUs to be provided on a CDP; ADUs don't need to be confirmed until the site plan or preliminary plat of subdivision stage.

At the time of site plan, the number of ADUs will be confirmed and the overall density permitted at the Property determined. If at that time the Applicant does not wish to provide ADUs for the

MF units or is not required to, the density that could be achieved on the Property would be reduced.

Comment 8: Staff notes the applicant is requesting the ADU density bonus as permitted in the Revised 1993 Zoning Ordinance; however, no commitments have been provided regarding ADUs per unit type. Per the ordinance 19 units (12.5%) are required for the single-family detached and single-family attached units and 4 units (6.25%) are required for the multi-family units. Staff recommends a commitment to the number of units per unit type. The note provided on Sheet 6 with regards to the ADU calculations provides that "ADU exemptions for MF units are applicable pursuant to Article 7". Per Article 7 ADUs are not required in multi-family dwelling units with four or more stories and having an elevator; therefore, without a commitment staff is unsure whether the applicant can justify the requested density bonus.

Response: As discussed with Staff, the proposed number of ADU's will be identified at preliminary plat of subdivision or site plan stage. The Applicant acknowledges that if ADUs are not provided for multi-family units, the density that could be achieved by the application will be less than the 212 units shown on the CDP.

Comment 9: To achieve higher density housing the Board anticipates evidence of participation in the Open Space Preservation Program. Contributions should be provided to enable the County to purchase Suburban Policy Area open space to offset the density proposed by the development. In the past, the Board has historically accepted \$3,800 - \$5,000 per easement. If easements are priced at \$3,800 to \$5,000 per easement, the open space contribution for 29.365 easements for the proposed application would range from \$111,587 to \$146,825 (provided ADU commitments are provided as recommended above). Proffer IVB includes an open space contribution of \$526.35 for each residential unit, or \$111,586.20 for 212 units. While the proffered amount meets the minimum amount historically accepted by the Board, this amount does not seem reasonable given current market values and with the goal of purchasing open space in the Ashburn Community. Furthermore, Proffer IVB provides that the open space contribution "shall be used by the County to pay for regional recreational facilities or open space easements in the Vicinity of the Property, including but not limited to, improvements at Lansdowne Sports Park, Elizabeth Mills Riverfront Park, Kephart Bridge Landing, Bles Park and Keep Loudoun Beautiful Park". Staff recommends updating this proffer to state that the open space contribution shall be used for open space purposes in the Ashburn Community.

Response: As discussed with Staff, the Applicant believes the proposed level of contribution is acceptable and appropriate. Please see draft Proffer IV.B., which has been revised to confirm that the contribution to the open space preservation program shall be used for open space purposes in the Ashburn Community.

Comment 10: Proffer VIIIE states the owner shall provide five buffer enhancement planting areas shown on Sheet 5 of the CDP. Buffer enhancement planting areas are not shown on Sheet 5.

Response: Comment acknowledged. Buffer enhancement planting was envisioned before the proposal was revised to provide a 50 management buffer from RSCOD and steep slope areas.

No buffer enhancement areas are required by this proposal and all references to them have been removed.

Comment 11: Sidewalks are not proposed on both sides of internal roadways as called for in the Bike/Ped Plan. Staff notes that Road E adjacent to the proposed civic area does not include sidewalks.

Response: As discussed with Staff, the Applicant does not feel that a sidewalk is necessary in this location.

County of Loudoun Department of Building and Development Zoning Administration

Zoning Ordinance Comments

Comment 1: Staff notes that the proffers, CDP and SOJ state that the Applicant proposes to rezone approximately 45.61 acres from PD-SA to PD-H4. Staff notes that an area identified as Landbay O-6 has been added at 4th submission to be rezoned from PD-SA to PDH4 and the proposed PD-H4 boundary has changed from previous submissions. Staff notes that the amount of acres to be rezoned as referenced in the proffers, CDP and SOJ from previous referrals has not changed. Confirm that the application still proposes to rezone 45.61 acres to PDH4 and, if necessary, revise the SOJ, proffers and CDP and all the tabulations and tables shown therein to reflect the new acreage.

Response: The CDP and SOJ are correct. The rezoning boundary line has been redrawn, but the acreage of the rezoning has not changed.

Comment 2: Section 3-507(G). Minimum Buffer. Staff notes that the Applicant has requested a zoning modification of this section on Page 11 of their SOJ and in their draft proffer statement. However, this modification request is not listed in the Zoning Modification Table on Sheet 6 of the CDP. Clarify these issues and revise the plat, SOJ and proffers accordingly.

Response: Comment acknowledged. The correct ZMODs requested by this application are listed in the SOJ, proffers and on the CDP.

Comment 3: Section 3-608(B). Off Street Parking. The SFD and SFA off-street parking tabulations shown on Sheet 6 are incorrect. Pursuant to Table 5-1102 of the Zoning Ordinance, the SFA and SFD parking rate is 3.0 spaces per unit. Also, based on the parking rate used for MF units, shown in the table on Sheet 6, all MF units will be 4 bedroom units. Please confirm. In addition, a note under the parking table on Sheet 6 states that 163 on-street parking will be provided. In your response letter you state that on-street parking spaces will be extra parking spaces. However, the parking table on Sheet 6 indicates that on-street parking will be used to meet minimum off-street parking for the development. The minimum required parking for SFD, SFA and MF units must be served by off-street parking. Revise the CDP accordingly.

Response: Comment acknowledged. Sheet 6 of the CDP has been revised to address Staff's concerns.

Comment 4: Section 3-608(C). Minimum Buffer. Staff notes that the Applicant has requested a zoning modification of this section twice as shown in the Zoning Modification Table on Sheet 6 of the CDP. This is not consistent with the modifications listed in the Applicant's Statement of Justification or the draft proffer statement. Clarify these issues and revise the plat, SOJ and proffers accordingly.

Response: Comment acknowledged. The CDP has been revised to comply with the SOJ and draft proffer statement.

Comment 5: Section 4-101 Purpose. Previous Comment: The Applicant responded that the development is within walking distance to restaurant and retail uses within close proximity and non-supportive uses are not envisioned in this area. The Applicant further responded that retail and restaurant uses would be isolated on the property and would remove patrons for the designated corridors for commercial activity and therefore the provision of non-supportive uses is not required. This is not accurate. The intent of the Planned Development-Housing (PD-H) zoning district is to provide for a variety of single and multifamily housing types in neighborhood settings plus supporting non-residential uses in a planned environment fostering a strong sense of community. It is noted that the Applicant is not proposing any supportive non-residential uses in this planned development. In addition, the Applicant has not demonstrated that the proposed zoning map amendment will not further burden the supportive non-residential uses (i.e. schools, parks, libraries, retail stores, etc.) in adjacent communities, by providing data demonstrating that sufficient capacity and adequate facilities are available in these communities. Staff notes the closest retail area is Lansdowne Town Center which is approximately 3/4 of a mile away from this site and is not within easy walking distance for homeowners of this proposed development. Staff continues to question whether this application meets the purpose and intent of a PD-H zoning district. Previous Comment from Zoning Referral #3: In addition, Staff reiterates that the Application does not provide any supporting non-residential uses within the development which are required by this Section and is not within close walking distance to other non-residential services. Comment not resolved as this development is not an extension to the Lansdowne development has no non-residential components and is not within close walking distance to the Lansdowne Town Center.

Response: Section 4-101 of the Zoning Ordinance sets out that PD-H districts should provide for a variety of single and multifamily housing types in a neighborhood setting plus supporting non-residential uses in a planned environment fostering a strong sense of community. With regards to supporting non-residential uses, its important to note that the small size of the proposed district would typically prevent significant non-residential uses being provided. However the proposal includes provision of a substantial Sports-Plex/Community Center that will not only provide important active recreation facilities (exceeding the Zoning Ordinance's active recreation requirements by over 23%), but will also provide substantial community meeting space and indoor sports facilities. The Applicant believes this facility will be a significant benefit to the community and be important in meeting the Ordinance's required environment that fosters a strong sense of community.

In terms of non-residential uses, the Property will benefit from being located in the heart of Lansdowne and close to a number of existing services and facilities (see Exhibit 1). The

Property lies adjacent to the Belmont Ridge Middle School and Lansdowne Sports Park. This 15-acre Sports Park contains two large soccer fields, one 300-foot softball field, a tot lot, a 60-person pavilion, a 30-person pavilion and restrooms. Adjacent supporting uses will also be provided by the adjacent National Conference Center, which includes the Black Olive Bar and Grill, which is open to the public and will be in easy walking distance from the proposed neighborhood.

It is important to note that the Applicant is discussing the rezoning proposal with the Lansdowne community with a view to the proposed neighborhood being incorporated into the Lansdowne community and the Sports-Plex/Community Center being dedicated to the HOA. In this case, the Sports-Plex/Community Center would allow further fostering of a community and help the residents of the proposed neighborhood be integrated into the wider Lansdowne community.

Whether or not the proposed neighborhood is incorporated into the Lansdowne community, the Applicant believes the proposal will form an extension to the existing PD-H districts in Lansdowne. These PD-H districts are served by the Lansdowne Town Center, which lies within walking distance from the proposed development and closer to the proposed neighborhood than many other parts of Lansdowne.

In light of the small size of the proposed district, the substantial facilities provided on-site, adjacent to the Property and at the Lansdowne Town Center, the Applicant believes appropriate supporting non-residential uses are available to future residents to help foster a strong sense of community.

Finally, as discussed with Staff, the School Board has indicated that school aged children generated by the Property can be accommodated by the Belmont Ridge Middle School and Stone Bridge High School and that elementary school children will likely be accommodated at a school other than Seldons Landing (as is the case for elementary school aged children generated by the Lansdowne Village Greens development). With regard to parks, the Property lies adjacent to the Lansdowne Sports Park and is proposing the dedication of 2 acres to increase the size of this facility. In addition, the Applicant is proposing a financial commitment towards the purchase of open space easements in the Ashburn Community. Lansdowne is not currently served by its own library, but the Applicant is committing to substantial capital facilities contributions as part of this proposal, which among other facilities and services, will help improve library facilities serving Lansdowne.

Comment 6: Section 4-103 Timing of Development. See the Modification Section of this referral regarding the timing of construction of the off-street parking garage and temporary use of existing parking for the NCC use.

Response: Comment acknowledged. Comment addressed below.

Comment 7: Section 4-104(A) Maximum Net Residential Density. Staff notes that the previous comment on this Section was partially addressed. Remove the note from Sheet 6 in the ADU table that states "ADU units to be determined at site plan or preliminary subdivision" as this is not accurate as the number of ADUs must be shown on the CDP.

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Response: The Zoning Ordinance does not require ADUs to be shown on the CDP. Given the Applicant is providing a concept of development prior to undertaking final engineering, it is not possible to determine the final number of units that could be developed and as such the appropriate number of ADUs to be constructed is not known. In conformance with the Ordinance, the number and location of ADUs will be shown on site plans and preliminary subdivision plats.

Comment 8: Section 4-109(A). Site Planning-External Relationships. Previous Comment: Demonstrate compliance with this Section. The Applicant stated that the current development proposal reduces the number of daily trips from the previous proposal. Staff questions whether the traffic study compared the current use of the property as a conference center to the proposed use and questions whether the number of trips will increase as a result of the PD-H development. Staff defers to the Transportation Department on this issue. Staff continues to question whether the traffic study provided with the Application regarding traffic counts and service levels at neighboring intersections comparing the proposed use and the Conference Center traffic are accurate. Staff defers additional comment to OTS. Staff also notes that the Applicant has added a second connection to the development, which is located off-site, via Kipheart Drive, which crosses open space owned by the Board of Supervisors (BOS). The Applicant has also requested a modification to allow the 212 units to be served by one entrance in the event the BOS will not grant them the land for the connection. Staff does not support this modification. Further discussion is included in the modification section of this referral.

Response: Applicant will address OTS referral comments once received.

Comment 9: Section 4-110(B). Site Planning-Internal Relationships. The Applicant responded and also noted on Sheet 6 that the type of civic uses that will be located within the open space in Landbay O-2 will be a gazebo, garden type areas and benches. Staff notes that these uses do not meet the Article 8 definition of "civic uses."

Response: Comment acknowledged. Sheet 6 of the CDP has been revised to confirm that civic space requirements are being met by the Sports-Plex/Community Center which meets the Article 8 definition of civic use.

Comment 10: Section 4-110(C) Site Planning-Internal Relationships. Place a label on Sheet 7 identifying the hatched area next to the cul-de-sac at the end of Road B as "emergency access only" so it is clear that two-way or through traffic from the NCC use will not use Road B within the proposed PD-H development.

Response: Please see Sheet 7, which has been revised to address Staff's comment.

Comment 11: Section 4-110(F) Ways for pedestrians; use by emergency or service vehicles.: This Section of the Zoning Ordinance requires that this development be served by at least two points of access to a public street. Staff notes that the Applicant has proposed a second connection to the development via Kipheart Drive which crosses open space owned by the Board of Supervisors (BOS). The Applicant has also requested a modification to allow the 212 units to be served by one entrance in the event the BOS will not grant them the land for the connection. Staff does not support this modification. Furthermore, there is no guarantee that the land for the

proposed road connection will be granted by the BOS.

Response: Comment acknowledged. The Applicant looks forward to the Board's consideration of this application.

Comment 12: Section 4-110(G) Protection of Visibility-cyclists and pedestrians. Previous Comment: Staff notes there are no sidewalks shown to connect Open Space Landbays O-3 and O-4 to the rest of the community. In addition, notes stating "Additional roads, alleyways, and landbays may be added as necessary....." are still located on numerous sheets of the plan and must be removed. Remove the notes on all Sheets that state "Additional roads, alleyways, and landbays may be added as necessary...."

Response: As discussed with Staff the Applicant has revised the note, but maintains that given the detail that the Applicant has been asked to provide in advance of any final engineering being undertaken on the Property, the flexibility provided by the note is necessary. The Applicant appreciates Staff's concern that in the event that alleys become streets and are fronted on by residential units, modifications may be required to the approved CDP.

Comment 13: Section 4-110(I) Site Planning-Internal Relationships-Uses adjacent to single-family residential, or agricultural and residential districts or land bays allowing residential uses.

Previous Comment: This Section requires that a 50 foot permanent open space Type II buffer be provided when residential uses in a PD-H zoning district adjoin a single-family residential, agricultural, or residential development or land bay allowing residential uses, and shall provide either single family lots of at least 20,000 square feet, exclusive of major floodplain on the perimeter or a permanent open space buffer along such perimeter at least 50 feet in width, landscaped with a Type II buffer yard. Staff notes that there are no internal buffer yards shown with this development on the CDP and the Applicant has requested a modification to eliminate the internal buffer yard between residential uses. The Applicant has not demonstrated how this modification is innovative in its design on the CDP or how it meets or exceeds the public purpose of the existing zoning regulation or how it is used in the design, as required by Section 6-1504. Comment not resolved. Staff maintains that the Applicant has not demonstrated how this modification is innovative in its design on the CDP or how it meets or exceeds the public purpose of the existing zoning regulation. Staff further notes that large portions of Landbay O-1 and O-5 contain moderately steep and very steep slopes, which hinders the ability of these areas to be used as open space for the community. See the modification section of this referral for additional comments.

Response: As discussed with Staff, the Applicant believes the proposed elimination of the internal open space buffer yards both provides for innovative design and improves upon the existing regulations. The Applicant believes that the following must be considered when determining the requested ZMOD:

Innovative design

- Proposal allows consolidation of open space on the edge of the Property (instead of throughout the development), allowing protection of mature trees in Tree Conservation Areas and increased distance from adjoining residential and PD-SA districts.

- Proposal has been designed around three community gardens which will become focal points of the community. Without the proposed ZMOD, these open space areas would be replaced with long fingers of narrow open space between landbays.
- Proposal prevents creation of small pockets of residential units and helps foster sense of community.
- Proposal reduces need for impervious surfaces by reducing amount of required road, alleyway and sidewalk coverage.

Improves upon existing regulations:

- The proposed community will be within a relatively small PD-H district. The open space buffer yards are more appropriate for larger developments with numerous neighborhoods to allow each neighborhood to have its own identity. The proposal is a small development comprising only one neighborhood.

As discussed during our meeting, the modification of this section of the Ordinance has approved for numerous applications in the past, including One Loudoun, Brambleton, Townes at Autumn Oaks and the adjacent Lansdowne Village Greens.

Finally, the portions of the open space within steep and very steep slopes are shown on Exhibit 2. The areas of very steep (shown in orange) and steep (shown in blue) slopes represent a small portion of the open space. Furthermore, the Tree Conservation Areas (shown outlined in red) have been drawn to include the majority of these slope areas. Therefore, the Applicant does not believe these forested areas of steel slopes will be used for recreation purposes. The Zoning Ordinance definition of open space suggests that "Generally, open space is intended to provide light and air and is designed for either scenic or recreational purposes." The Applicant would suggest that, in areas of very steep slopes and steep slopes, the open space will be filling more of a scenic purpose, but the significant amount of open space outside of these areas will be providing for recreational proposes. Furthermore, as discussed above, the Applicant us exceeding the required provision of active recreation space at the Property by 23%.

Comment 14: Section 4-111(A) Site Planning-Internal Relationships-Open Space. The Applicant has provided a list of amenities on Sheet 6 of the CDP to demonstrate that they meet the Article 8 Zoning Ordinance definition of "recreation space, active." Staff recommends the Applicant provide a proffered exhibit and proffer language explaining in greater detail the square footage of each amenity to ensure it meets the definition of recreation space, active.

Response: As discussed with Staff, the Applicant is aware that flexibility needs to be retained to allow for the active recreation uses to change in the future and believes that this flexibility is already provided on Sheet 6 of the CDP.

Comment 15: Section 4-701, 4-702 PD-SA Purpose, Size and Location. Previous Comment: Staff notes that purpose and intent of the PD-SA zoning district is to keep it separate and distinct from other zoning districts based upon the type of uses allowed in the PD-SA zoning district. Due to the nature of the uses in a PD-SA zoning district, they should be separated from residential uses. Staff also notes that this application will change the acreage, landbay tabulations, tables and layout of PD-SA zoned land on the Lansdowne zoning map amendment (ZMAP-1994-0001) and its subsequent ZCPAs and Staff recommends the Lansdowne plans be

updated. Due to the nature of the PD-SA zoning district and the uses associated with it, it should be separated from residential uses. Staff continues to question whether these sections of the Zoning Ordinance are met. Staff maintains that due to the nature of the PD-SA development and the NCC use, it should be functionally separate from residential uses.

Response: As discussed with Staff, the proposed rezoning will provide further separation between residential and PD-SA district uses than can currently be achieved. The Property could be developed by-right with a number of PD-SA uses, which could be developed up to 100 feet from the southern Property line. In this location, townhomes and single-family units have been developed adjacent to the Property boundary. Further, the closest of the lots accommodating these units (lots developed on Lees Mill Square and Cotton Farm Court) have only been setback approximately 20 feet from the Property line. As such, PD-SA uses could be developed by-right within 120 feet of these lots. Depending on the PD-SA use developed, a minimum Type 2 landscape buffer would be required along this Property line. No existing trees separate potential PD-SA uses from the existing townhomes on Lees Mill Square.

The proposed rezoning would increase the separation between residential and PD-SA uses. As shown on Sheet 5 of the CDP, proposed residential lots are setback a minimum of 75 feet from the northern Property boundary (but typically substantially more than 75 feet). As shown on Sheet 5, this setback will include mature trees in a Tree Conservation Area. In addition, a 100 foot setback would be required on the adjoining PD-SA (NCC) property, which currently (and one would assume would continue to) includes mature vegetation. The Applicant believes that this proposed 175+ foot setback including Tree Conservation Areas would improve upon the current separation of PD-SA and residential uses at the Property.

As discussed with Staff, the Applicant has issued a request to the Zoning Administrator for a minor amendment of ZCPA 2003-0003.

Comment 16: Section 5-1100 Off-Street Parking and Loading Requirements. See Comments #3, #6 in Section A above and the Modification Section C of this referral regarding parking comments.

Response: Comments acknowledged and responded to above and below.

Comment 17: Section 7-103(A) and (B) ADU Density Adjustments for SFD/SFA Units and MF Units. Previous Comment: The ADU density table on Sheet 6 does not clearly delineate the 20 percent density increase for SFD/SFA and 10 percent density increase for MF units. Staff is unsure why the figures used in the Density Bonus Table column are 1.2 and 1.1 respectively. In addition, on Sheet 6, rather than stating 12.5% of the SF dwelling units and 6.25% of the MF dwelling units will be ADUs, provide the number of ADUs in the ADU table to demonstrate that these percentages are met. Comment partially addressed. The number of ADUs was not provided in the Table on Sheet 6 as requested.

Response: As discussed with Staff, the Zoning Ordinance does not require ADUs to be shown on the CDP. Given the Applicant is providing a concept of development prior to undertaking final engineering, it is not possible to determine the final number of units that could be developed and as such the appropriate number of ADUs to be constructed is not known. In

accordance with the Ordinance, the Applicant will confirm the number and location of ADUs at the site plan and preliminary subdivision plat stage.

Comment 18: Section 7-801 Purpose. Previous Comment: Demonstrate compliance with this Section as the ADU and density tables on Sheet 6 are not clear. Demonstrate compliance with Section by annotating the table on Sheet 6 to demonstrate that the maximum permitted density allowed per the R-8 ADU zoning district is not exceeded. Demonstrate on Sheet 6 that the density of 9.6 dwelling units per acre is not exceeded for the R-8 ADU zoning district.

Response: Comment acknowledged. Please see Sheet 6 of the revised CDP.

Comment 19: Section 7-803(D) Lot Coverage. Previous Comment: For the R-8 ADU development option, the maximum lot coverage for SFD units is 50 percent, 60 percent for MF units and 75 percent for SFA units. Revise the Zoning Tabulations Table on Sheet 5 accordingly. The table on Sheet 6 was not corrected. Comment not resolved.

Response: Comment acknowledged. Please see Sheet 6 of the revised CDP.

Comment 20: Section 7-901 Purpose. Previous Comment: Demonstrate compliance with this Section as the ADU and density tables on Sheet 6 are not clear. Demonstrate compliance with this Section by annotating the table on Sheet 6 to demonstrate that the maximum permitted density allowed per the ADU R-16 ADU zoning district is not exceeded. Demonstrate on Sheet 6 that the density of 19.2 dwelling units per acre is not exceeded for the R-16 ADU zoning district.

Response: Comment acknowledged. Please see Sheet 6 of the revised CDP.

Zoning Map Amendment Consideration Items

Comment 1: Section 6-1211(E) (Item 3). Regarding Item 3, Staff continues to question how this application integrates itself into the Lansdowne community. Staff is also concerned that the proposal is not compatible with the adjacent PD-SA zoning district, as the intent of the PD-SA zoning district is to keep it separate due to the large scale nature of the uses allowed in the PD-SA zoning district. See additional comments in Section A of this referral regarding the second point of access and the modification of Section 4-110(D). Staff questions how this proposal integrates itself into the Lansdowne community in a safe, convenient manner.

Response: The Applicant is proposing the dedication of the Sports-Plex/Community Center to the Lansdowne HOA and incorporation of the proposed neighborhood within the Lansdowne community. The Applicant believes this will create important integration with the surrounding community.

Furthermore, the Applicant is also proposing to add a second vehicular access to the Property, providing further connection to the surrounding Lansdowne community. Sidewalks are proposed on either side of the road, assisting pedestrian connections to Lansdowne Sports Park from areas south of the Property and to the Belmont Ridge school from areas north of the Property.

As discussed above, the proposal will create increased separation from the PD-SA district to residential districts to the east and south. The Applicant believes this is an important consideration when contemplating the various PD-SA uses that could currently be developed by-right on the property in close proximity to adjoining homes and neighborhoods.

As set out in the traffic impact analyses, the proposed traffic generated by the proposal will be significantly less than that generated by by-right development. Further, the traffic assessments have determined that no need for off-site highway improvement will be generated by the proposal. As shown on the CDP, the Applicant is proposing to connect Upper Belmont Place with Kipheart Drive. The Applicant believes that this will not only result in the reduction of traffic levels at existing intersections in Lansdowne, but will also provide a significant improvement to the area's sidewalk system.

Comment 2: Section 6-1211(E) (Item 7). Previous Comment: Staff questions whether this application meets the criteria of this Section. Ingress and egress from the Xerox facility will travel through the proposed residential neighborhood from one point of access if the BOS will not allow the roadway connection to Kipheart Drive. Staff notes that Zoning Ordinance requires at least 2 access points per Section 4-110(D). Due to the nature of PD-SA uses, traffic volume, and safety issues for pedestrians and motorists, through traffic in residential neighborhoods shall be avoided. Staff also notes that the application is adjacent to an existing school and questions whether adequate safety measures are available due to the amount of traffic using one point of access. Address the timing of construction for this application, including road improvements, construction of the parking garage for the Xerox facility as this application proposes to remove the parking lot for the Xerox facility. Explain where the required parking for the Xerox facility will be located. Comment not resolved. In addition, Staff notes that there are no guarantees that the BOS will grant land for the road connection and Staff does not support a modification to Section 4-110(D).

Response: As discussed with Staff, no NCC traffic will pass through the residential neighborhood. As shown on the CDP, NCC traffic will use Road A to exit the Property onto either Kipheart Drive or Upper Belmont Place. While we appreciate that Road A runs along the western edge of the residential neighborhood, it does not run through it. This situation will be the same as is currently the case further south on Upper Belmont Place, where traffic from NCC passes residential neighborhoods en route to Route 7.

The Applicant looks forward to the Board of Supervisor's consideration of the application and is aware of Staff's concern with the potential for the Property to be served by a single point of access.

As discussed above, potential traffic impacts associated with the application have been addressed with the Office of Transportation. The Applicant further notes that the by-right development that could be achieved on the Property would generate substantially more traffic and also traffic of a more industrial nature than the proposed residential units.

With regard to timing of development, as discussed with Staff, the Applicant has proffered to construct the parking garage prior to the issuance of the 100th residential zoning permit for single-family residential units on the Property. Further, the Applicant has included a proffer

confirming that at no time shall insufficient parking spaces be provided to meet the spaces required by the NCC either within two existing surface parking lots on the Property or by existing or proposed (parking garage) parking spaces at the NCC.

Modifications

Comment 1: Section 1-205(A) Lot Access Requirements.

Provision: No structure requiring a building permit shall be erected upon any lot which does not have frontage on a Class I, Class II, Class III road, or private access easement as specified in the individual district regulations, except as specifically provided for herein and the Land Subdivision and Development Ordinance (LSDO).

Request from 2nd submission: To permit access to single family detached units via private streets.

Staff Analysis: Staff questions why the Applicant removed this modification request as there are SFD units served by private streets as opposed to public streets. Unless a modification of this Section is requested, SFD must be served by public streets. In addition, the Applicant's response states that a mix of multi-family, town homes and single family attached units are proposed while the proffers and CDP show multi-family, townhouses and single family detached units. Clarify this issue.

Response: The Applicant believed that the modification was no longer necessary, but has addressed Staff's comment by including the zoning modification in this application.

Comment 2: Section 3-509(C), Section 3-608(C), Section 4-109(C) and Section 4-110(I). Internal and External 50 Foot Permanent Open Space Buffers.

Provision: Section 3-509(C): A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard (Section 5-1414(B)) shall be provided where a development adjoins an existing or planned residential district, land bay or development which has a minimum allowable lot size of 6,000 square feet or greater. Such buffer area may be included in open space calculations. Section 3-608(C): A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard (Section 5-1414(B)) shall be provided where a development adjoins an existing or planned residential district, land bay or development which has a minimum allowable lot size of 8,000 square feet or greater. Such buffer area may be included in open space calculations. Section 4-109(C): Where residential uses in a PD-H district adjoin a single-family residential, agricultural, or residential district or land bay allowing residential uses, or a commercially zoned development approved subject to proffers prior to adoption of this ordinance, the development shall provide for either:

- (1) Single family dwellings on minimum lots of (20,000) square feet or greater, exclusive of major floodplain, along such perimeter; or,
- (2) A permanent open space buffer along such perimeter at least fifty (50) feet in width, landscaped with a Type 2 Buffer Yard. Section 4-110(I): Where residential uses in a PD-H

district adjoin a single-family residential, agricultural, residential district or land bay allowing residential uses, the development shall provide for either:

- (1) Single family dwellings on minimum lots of (20,000) square feet or greater, exclusive of major floodplain, along such perimeter, or;*
- (2) A permanent open space buffer along such perimeter at least fifty (50) feet in width, landscaped with a Type 2 Buffer Yard.*

Request: *To eliminate the buffer yard between all residential landbays internal to the Property.*

Staff Analysis: *Staff notes that Section 3-507(G) requires a 50 foot common open space buffer with a Type II buffer where traditional development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 6,000 square feet greater. Staff notes that unless the applicant requests a modification of Section 3-507(G), the CDP must be revised to reflect the 50 foot common open space buffer yard. Staff notes that Sheet 6 of the CDP does not list a modification to Section 3-507(G). Staff maintains that the Applicant has not demonstrated how this modification is innovative in its design on the CDP or how it meets or exceeds the public purpose of the existing zoning regulation. Staff further notes that large portions of Landbay O-1 and O-5 contain moderately steep and very steep slopes, which hinders the ability of these areas to be used as open space for the community. Staff further notes that the required 50 foot wide external buffer yard located on the south side of the development only measures 40 feet in width and a portion of the an active recreation field is located within the buffer yard. Revise the CDP accordingly.*

Response: Comment acknowledged. The CDP has been revised to request the modifications listed in the draft proffers and SoJ.

As discussed with Staff, the Applicant believes the proposed elimination of the internal open space buffer yards both provides for innovative development and improves upon the existing regulations. The Applicant believes that the following must be considered when determining the requested ZMOD:

Innovative design

- Proposal allows consolidation of open space on edge of property (instead of throughout the development), allowing protection of mature trees in Tree Conservation Areas and increased distance from adjoining residential and PD-SA districts.
- Proposal has been designed around three community gardens which will become focal points of the community. Without the proposed ZMOD, these open space areas would be replaced with long fingers of narrow open space between landbays.
- Proposal prevents creation of small pockets of residential units and helps foster sense of community.
- Proposal reduces need for impervious surfaces by reducing amount of required road, alleyway and sidewalk coverage.

Improves upon existing regulations:

- The proposed community will be within a relatively small PD-H district. The open space buffer yards are more appropriate for larger developments with numerous

neighborhoods to allow each neighborhood to have its own identity. The proposal is a small development comprising only one neighborhood.

As discussed during our meeting, this modification has been approved for numerous applications in the past, including One Loudoun, Brambleton, Townes at Autumn Oaks and the adjacent Lansdowne Village Greens.

Finally, the portions of the open space within steep and very steep slopes are shown on Exhibit 2. The areas of very steep (shown in orange) and steep (shown in blue) slopes represent a small portion of the open space. Furthermore, the Tree Conservation Areas (shown outlined in red) have been drawn to include the majority of these slope areas. Therefore, the Applicant does not believe these forested areas of steep slopes will be used for recreation purposes. The Zoning Ordinance definition of open space suggests that "Generally, open space is intended to provide light and air and is designed for either scenic or recreational purposes." The Applicant would suggest that, in areas of very steep slopes and steep slopes, the open space will be filling more of a scenic purpose, but the significant amount of open space outside of these areas will be providing for recreational purposes. Furthermore, as discussed above, the Applicant is exceeding the required provision of active recreation space at the Property by 23%.

Comment 3: Section 4-110(B). Site Planning-Internal Relationships.

Provision: *All arterial and collector streets serving a PD-H District, and all streets of any size serving residential (except townhouse and multifamily), commercial, office, institutional and industrial uses within a PD-H district, shall be designed and constructed to VDOT standards for inclusion in the state highway system. Roads serving townhouse and multifamily uses only may be designed and constructed to private streets standards set forth in the Facilities Standards Manual, provided the following conditions are met...*

Request: *To allow SFD units to be served via private streets.*

Staff Analysis: *The Applicant is requesting a modification to allow SFD to be served by private streets. Staff questions how this modification is unique and innovative as the land area preserved by private streets which is then placed at the edges of the property in open space contains moderately steep slopes and very steep slopes which makes it difficult to use.*

Response: For the reasons set out below, the Applicant believes the proposed ZMOD constitutes innovative design:

- Proposal will allow the provision of narrower roads and reduce impervious surfaces and surface run-off.
- Provision of narrower streets will assist fostering of a sense of community and pedestrian activity and connectivity. This is based on the concept that traffic flows slower along narrower streets with on-street parking.
- Proposal will allow development of a consistent streetscape throughout development and not result in the development of both public and private streets within the neighborhood.

-
- Proposed roads will be constructed to meet FSM standards, but privately maintained resulting in less financial burden on County residents.

As previously discussed, the provision of private streets throughout the development will allow consolidation of more open space on the edge of the Property. However, providing the required public streets would not have a significant impact on the amount of open space provided in these areas.

Comment 4: Section 4-110(D) Site Planning-Internal Relationships.

Provision: Vehicular access to public streets, from off-street parking and service areas serving less than eighty (80) dwelling units, may be directly to the street via a single point of access. Vehicular access, from off street parking and service areas serving eighty (80) or more units, shall require two (2) or more points of access. Determination of number of the actual dwelling units served shall be based on normal routing of traffic anticipated in the development.

Request: To modify this Section to permit 212 dwelling units to be served by one point of access.

Staff Analysis: Staff notes that the Applicant has added a second connection to the development via Kipheart Drive which crosses open space owned by the Board of Supervisors (BOS). The Applicant has also requested a modification to allow the 212 units to be served by one entrance in the event the BOS will not grant them the land for the connection. In the event the BOS does not allow the 2nd connection, Staff does not support this modification. Staff continues to question how this modification meets or exceeds the public purpose and improves on the existing regulations. Staff is concerned about pedestrian and vehicular safety and the volume of traffic on Upper Belmont Ridge Place and the adjacent school. In addition, the existing Xerox facility will continue to use Upper Belmont Ridge Place which will present additional traffic volumes. Staff continues to question how one point of access promotes a pedestrian friendly neighborhood and minimizes the conflict between pedestrian and vehicular movement. Staff defers additional comments to the Office of Transportation Services to determine if the access point on Kipheart Drive would be able to adequately accommodate the traffic from the development and the Xerox Conference Center.

Response: The Applicant will address OTS comments once they have been provided.

Comment 5: Section 4-705(B)(1) Lot Requirements, Yards, Adjacent to Roads.

Provision: Except where a greater setback is required by Section 5-900, no building shall be permitted closer than thirty five (35) feet to any road and no parking shall be permitted closer than twenty five (25) feet to the right-of-way from any road. No outdoor storage, areas for collection of refuse, or loading space shall be permitted in such setbacks.

Request: To modify this Section to allow the guardhouse and associated facilities to be located within 35 feet of any road parking spaces associated with the guardhouse to be located within 25 feet of any road.

Staff Analysis: *Previous Comment: Staff questions how this modification meets or exceeds the public purpose or improves upon the existing regulation. The Applicant must demonstrate on the CDP how this modification is implemented in the community design and further demonstrate that the existing Xerox facility, its existing structures and its future above-ground parking garage are in conformance with the request. In addition, the CDP does not show the new location of the guardhouse. The Applicant must demonstrate on the CDP how this modification is implemented into the design of the community to ensure the Zoning Ordinance regulations are met and the proposed development is not creating non-conformities. Comment not resolved.*

Response: As discussed with Staff, the location of the guardhouse is shown on Sheet 5 of the CDP. The facility is proposed to the east of Road A, at what will be the entrance to the NCC Campus. As previously set out, the Applicant seeks to remove the currently approved guardhouse from Upper Belmont Place and provide a similar facility close to the NCC buildings.

As discussed with Staff, the Applicant has revised the requested ZMOD to confirm that the modification seeks to eliminate setback requirements for the proposed guard house building. As confirmed at the meeting with Staff, the proposed parking garage is yet to be designed, but will take account of all appropriate zoning ordinance regulations as required during the site plan stage. As demonstrated to Staff, the existing NCC buildings are set back a minimum of 30 feet from the existing internal private loop road.

Comment 6: Section 4-705(B)(2) Lot Requirements, Yards, Adjacent to Agricultural and Residential Districts.

Provision: *No building, parking, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than one hundred (100) feet to any agricultural district, any existing or planned residential district, or land bay allowing residential uses. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses are visible from the said agricultural and residential areas.*

Request: *The Applicant has removed this modification request from the modification list and the CDP.*

Staff Analysis: *The Applicant responded that they have not committed to the location of the guard house at this time. As such, Staff is unable to determine if a modification is required or whether the Application will meet this Section of the Zoning Ordinance. In addition, the Applicant has not demonstrated that the future above-ground parking garage are in conformance with the Zoning Ordinance. In addition, the CDP does not show the new location of the guardhouse. The Applicant must demonstrate on the CDP how a modification is implemented into the design of the community to ensure the Zoning Ordinance regulations are met.*

Response: As discussed above, the anticipated future parking garage is still to be designed and located. During the site plan stage for this structure, the Applicant will need to demonstrate that it meets all necessary zoning requirements. It is not appropriate for the building setback for a structure not currently designed or included in this application to be addressed at this time.

The proposed location of the guardhouse is identified on Sheet 5 of the CDP. The Applicant seeks to relocate the existing guardhouse with a facility to the east of Road A at the planned entrance to the NCC buildings.

Comment 7: Section 7-903(D) Lot Coverage.

Provision: 60 percent maximum for MF units and 75 percent maximum for SFA units.

Request: Request to allow a maximum of 80 percent lot coverage within the R-16 zoning districts for all multi-family residential lots.

Staff Analysis: Comment not resolved. Staff notes that the Applicant has removed this modification request from the Application. However, the Zoning Table on Sheet 6 of the CDP must be revised, as the table is missing the Zoning Ordinance reference to the maximum lot coverage of 75 percent for SFA units in the R-16 zoning district.

Response: Comment acknowledged. This modification is no longer being requested and has been removed from all application materials.

Comment 8: Section 5-1103(A). General Location Requirements. Parking Facilities.

Provision: All parking facilities shall be provided on the same lot or parcel of land being served, or on a separate lot or parcel of land within five hundred (500) feet of the principal entrance of the building lot being served, if the zoning classification of such separate lot or parcel of land is the same as or less restrictive than the classification of the lot upon which the use is located.

Request: Request to permit the use of the existing parking facility on a separate lot or parcel more than 500 feet from the principal entrance of the building lot being served.

Staff Analysis: Staff can support the modification provided a proffer is written to address the timing and phasing of construction of the development and the proposed parking garage on the PD-SA zoned portion of the property and would prohibit the removal of the existing parking spaces on the PD-H4 zoned portion of the property and continue to allow such parking spaces to be used for the NCC use until additional parking spaces are constructed and available for use on the PD-SA zoned portion of the property to meet the minimum number of parking spaces required by the Zoning Ordinance for the NCC use. It is noted that the documentation and regulations of Section 5-1103(C) must be filed with the County prior site plan or subdivision approval.

Response: Comment acknowledged. Please see the revised draft proffers.

Proffers

Comment 1: Proffer Statement Introductory Paragraph. Staff notes that the Proffer Statement does not address how this application affects the current proffers approved with Lansdowne and which proffers will be superseded or retained with this proffer statement. In addition, Staff

recommends this paragraph be clarified to state the acreage of the portion of the subject property that will be rezoned to the PD-H4 zoning district. Furthermore, this application proposes a second connection through an open space recreation parcel owned by the Board of Supervisors approved with ZCPA-2002-0006. Furthermore, the Applicant has not demonstrated whether the area to be used for the roadway connection is needed to meet the open space requirement and acreage proffered in ZCPA-2002-0006 and whether a ZCPA is needed to reflect to changes to tables, CDP and proffers approved with ZCPA-2002-0006 and whether the BOS will grant the land area needed for the road connection.

Response: Comment acknowledged. The draft proffers have been revised to confirm that the proffers associated with this application supersede all existing proffers covering the Property.

As discussed with Staff, a letter has been issued to the Zoning Administrator requesting a minor modification of ZCPA 2003-0003 to address changes to the ZCPA resulting from this proposal.

Comment 2: Proffer I. Concept Development Plan. Staff recommends that the reference to the revision date of the CDP "April 24, 2009" be revised to "April 27, 2009" as this is the last revision date shown on all the CDP sheets. Staff further recommends that the Applicant rectify the differences and duplications between the modifications listed in Exhibit B and those shown on Sheet 6 of the CDP.

Response: Comment acknowledged. The suggested corrections have been made.

Comment 3: Proffer II. Development Scope. Staff recommends the department referenced as "Loudoun County Sanitation Authority" be replaced with "Loudoun Water."

Response: Comment acknowledged. The Applicant notes that the organization has not officially changed its name to Loudoun Water, but the Applicant will revise the proffers to address Staff's comment.

Comment 4: Proffer III.A. Site Amenities. The proffer states that two tot lots are shown on the CDP, which are off-site outside of the proposed PD-H4 community. Clarify whether the tot lots referenced in this proffer are located on the subject property or off-site. Neither the proffer nor CDP address how pedestrians will access these tot lots if off-site. Furthermore, the timing of construction of the green space, sidewalks and trails, as stated in the proffer, is "in conjunction with the development of the adjacent residential areas and the construction of the internal streets and necessary infrastructure." This statement is vague and unenforceable and should be triggered at the issuance of a certain number of zoning permits. Staff recommends the proffer clarify what is meant by the term "greenspace."

Response: No tot lots are being proposed by this application. All references to tot lots have been removed from application materials.

The Applicant has revised the draft proffers to remove reference to green space and refer only to land bays O-2, O-3 and O-4. As discussed with Staff, construction of these land bays and sidewalks and pedestrian connections shall be done in conjunction with the development of the adjacent neighborhoods and the construction of the adjacent streets. It would not be feasible to

provide the areas and open space and sidewalks before adjacent areas have been developed. However, the Applicant is willing to consider alternative proffer language.

Comment 5: Proffer III.B. Civic Space. Staff recommends that this proffer be revised. See Comment # 9 in Section A as the civic uses proposed with this proffer do not meet the Article 8 definition of "civic use." In addition, the civic uses listed in the bottom left hand table of Sheet 6 do not meet the Zoning Ordinance definition of civic use.

Response: Comment acknowledged. Please see the revised draft proffers. The Applicant has revised the list of proposed civic uses on Sheet 6 of the CDP.

Comment 6: Proffer III.D. Improvements of Lansdowne Sports Park. This proffer proposes the relocation of a tot-lot on the Lansdowne Sports Park property, as shown in on Sheet 6 of the CDP. Sheet 6 does not show the relocation of said tot lots. Further, the proffer reads "The Owner shall expend approximately \$34,00 in providing these improvements." Staff defers additional comment to Dan Csizmar, Capital Facilities Planner. In addition, depending on the nature of the changes proposed to the Lansdowne Sports Park property, a ZCPA may be required as Proffer 2.C and the recreation plan approved with ZCPA-2002-0006 identify and show specific features in the sports park.

Response: As discussed with Staff, the location for the new tot lot is shown on Sheet 4 of the CDP. As confirmed by Zoning Staff, no ZCPA is required for the new tot lot location. The Applicant continues to seek capital facility credits for this facility, but has revised the draft proffers to confirm that \$30,000 of credits are being sought. In the likely event the facility costs more than \$30,000, the additional costs will be covered by the Applicant.

Comment 7: Proffer IV.A. Capital Facilities Contribution. Staff questions whether the monetary figures and capital facility credits for amenities referenced in this proffer are accurate. Staff defers additional comment to Dan Csizmar, Capital Facilities Planner.

Response: Comment acknowledged.

Comment 8: Proffer VI.A. Road A. Staff recommends that this proffer be revised to include language regarding what will occur in the event the land for the second access point off-site onto Kipheart Drive is not granted or permitted by the BOS.

Response: Comment acknowledged. Please see the revised draft proffer VI.

Comment 9: Proffer VI.C. Existing National Conference Center Road. Staff recommends that the proffer be revised to include language regarding NCC traffic which states that Road B cannot be used for NCC traffic and that the only type of access permitted in the vicinity of cul-de-sac at the end of Road B is emergency access.

Response: Comment acknowledged. Please see the draft Proffer VI.C..

Comment 10: Staff notes that the five enhanced buffer planting areas are not shown on Sheet 5 as referenced in the proffer. Staff recommends that the Applicant provide a typical detail and/or an

exhibit of the plantings that will be located in the five buffer enhancement planting areas and such areas be identified on the CDP.

Response: Buffer enhancement plantings were envisioned before the proposal was revised to provide a 50 foot management buffer around RSCOD areas and areas with steep slopes. The proposal no longer requires the planting areas. Reference to buffer enhancement plantings are no longer proposed and have been removed from the application.

Comment 11: Proffer VIII.D.2. Sports-Plex/Community Center. Staff questions whether the monetary figures and capital facility credits for amenities referenced in this proffer are accurate and whether these improvements are eligible for a capital facilities credit. Staff defers additional comment to Dan Csizmar, Capital Facilities Planner.

Response: Comment acknowledged. The Applicant is no longer seeking capital facilities credits for the Sports-Plex/Community Center and associated facilities.

Comment 12: Staff recommends that the Applicant add a proffer that addresses the timing and phasing of construction of the development and the proposed parking garage on the PD-SA zoned portion of the property and would prohibit the removal of the existing parking spaces on the PD-H4 zoned portion of the property and continue to allow such parking spaces to be used for the NCC use until additional parking spaces are constructed and available for use on the PD-SA zoned portion of the property to meet the minimum number of parking spaces required by the Zoning Ordinance for the NCC use. It is noted that the documentation and regulations of Section 5-1103(C) must be filed with the County prior site plan or subdivision approval.

Response: As discussed with Staff, the Applicant has added draft Proffer IX. to confirm that the parking garage will be constructed prior to the issuance of the 100th residential zoning permit for a single-family unit at the Property. The Applicant believes that this proffer and Proffer X. requiring that parking needs for the NCC will be continually met through either existing surface parking lots at the Property and/or existing and proposed parking spaces on the NCC property addressed Staff's comments.

Concept Development Plan Issues

Comment 1: Staff notes that this application proposes 212 total units (45 SFD, 105 Townhouses and 62 multi-family units). However, there are numerous Zoning Ordinance sections in the PDH4 Lot and Building Requirements Table on Sheet 6 that contain references to unit types, width, yards, etc that are not proposed with this application. The Applicant responded that the application is not proposing any duplex, triplex or quadraplex units. However, the table on Sheet 6 still contains Zoning Ordinance references to duplex, triplex and quadraplexes. Remove Zoning Ordinance references from the table on Sheet 6 for unit types that are not proposed with this application. Review all the Zoning Ordinances on Sheet 6 and verify they are accurate and only include those references that are applicable to unit types proposed with this application.

Response: Comment acknowledged. Staff's comments have been addressed by the revised CDP.

County of Loudoun Parks, Recreation and Community Services

Comment 1: Issue Status: Staff acknowledges the addition of the Plat Label to the Vicinity Map on Sheet 1, but notes that the Adjacent Property Data tabulation still lists Parcel 081-45-4849 as "Vacant." Please revise the use to "Park." Staff appreciates the additional revisions to current Sheets 4 and 5.

Response: Comment acknowledged. Please see the revised plat, which has been updated to address Staff's comment.

Comment 2: In regards to previous referral discussion related to Comment 3, Staff recommends Proffer IV.B. Open Space Contribution, be revised to the following:

"The Owner shall pay to the County a one-time Open Space Easement Contribution in the amount of four hundred sixty-two and 36/100 Dollars (\$426.36) for each residential unit constructed on the Property ("OSE Contribution"). This OSE Contribution shall be paid prior to or concurrent with the issuance of each residential zoning permit and shall be used by the County to pay for regional recreational facilities or open space easements in the Vicinity of the Property, including but not limited to, improvements at Lansdowne Sports Park, Elizabeth Mills Riverfront Park, Kephart Bridge Landing, Bles Park and Keep Loudoun Beautiful Park."

Applicant Response: Comment acknowledged. Please see the revised draft Proffer IV.B.

Issue Status: Resolved. PRCS appreciates the Applicant's revised generous contribution to open space and specific regional recreational improvements.

Response: Comment acknowledged and appreciated. However, the Applicant notes that Community Planning Staff has requested that the proffer language does not refer to possible improvements to existing parks and instead sets out that contributions be made for open space improvements in the Ashburn Community.

Comment 3: Issue Status: Staff met with the Applicant's representatives on November 13, 2008, January 21, 2009, February 13, 2009, and February 23, 2009 to discuss potential options for the mitigation of the proposed road's impact to Lansdowne Sports Park. At Staff's request the Applicant has offered to dedicate a portion of their property (depicted as Parcel O-6) to the County as a part of the park in return for the needed land for the new road. In addition, the Applicant has offered to construct a new tot lot in the park closer to the restrooms and large pavilion.

However, Staff requests several revisions to proposed Proffers III.C and III.D for clarification purposes. First, please revise Proffer III.C Dedication of Land Bay O-6 to state the following:

"Concurrent with County's release of the portion of Lansdowne Sports Park required for right-of-way necessary for the extension of Road A to Kipheart Drive, the Owner shall dedicate Land Bay O-6 as shown on the CDP, to the County at no charge for purposes of public parkland as a part of Lansdowne Sports Park."

Comment acknowledged. The draft proffers have been revised to address Staff's comments.

Secondly, Staff requests that the Applicant revise Proffer III.D, Sentence 1, to state the following:

"The Owner shall dismantle and dispose of the existing tot lot at Lansdowne Sports Park, restore the area to a natural state, and construct a new tot lot in an alternative location as shown on Sheet 4 of the CDP." (Please note the revision of Sheet 6 to Sheet 4 for the sake of consistency.)

Please also revise the approximate amounts to be consistent throughout the Proffer. Staff also cautions against proffering to an approximate amount of money that this park improvement would be worth. What if the Applicant is not able to complete the tot lot construction to PRCS standards within the amount proposed? Would the County be responsible for the remaining improvements?

Furthermore, Staff does not support this amount of money being counted as a credit to the Applicant's required capital facilities contribution. It was discussed amongst Staff and the Applicant's representative that the proposed tot lot removal and reconstruction would be a good-faith contribution to assist in the mitigation of the Road A impacts to the park site in addition to the "land swap" proposed in Proffer III.C. However, it will be up to the Board of Supervisors to determine whether or not to grant the credit to the Applicant.

Response: Comment acknowledged. Staff's comments are addressed by the revised draft Proffers.

Comment 4: Staff notes the addition of Proffer VIII.D "Sports-Plex/Community Center." Staff met with the Applicant and their representative onsite to evaluate the facility on June 12, 2009. While PRCS is not immediately opposed to the acceptance of the facility, Staff will need to further evaluate it in relation to our Service Plan needs and its fiscal impact to departmental resources. Prior to acceptance, the facility would also need to be assessed, inspected, and reviewed by Risk Management and the Office of Capital Construction for evaluation as a potential Recreation Center and/or Teen Center to fulfill PRCS Service Plan and County Capital Needs Assessment guidelines. Ultimately, the conveyance would need to be approved and accepted by the Board of Supervisors, including the proposed \$3 million capital facilities credit.

The facility is in need of numerous upgrades and repairs that the County is not able to undertake should the facility be conveyed at this time. The County would require that proposed Proffer VIII.D.2 be completed prior to conveyance, along with additional upgrades, such as repairs to the outdoor court surfaces and fencing, replacement of the indoor court surfaces, etc. Staff notes that there is no current or proposed direct public road access to the facility, which would need to be provided, and the Applicant's traffic study would need to be revised to reflect public street access to the recreational facility. The County would also require separate, adequate public parking to be provided per Revised 1993 Zoning Ordinance requirements.

While PRCS would be willing to provide "reasonable right of use of the Sports-Plex/Community Center" to guests and staff of the National Conference Center, Staff cannot guarantee at this time that it would be "at no cost." Currently, all PRCS staffed recreational facilities are user-fee supported.

Staff requests more information about the Applicant's intent to convey the facility to the County should the Lansdowne HOA not be willing to accept it.

Response: Further discussions concerning the Sports-Plex/Community Center with Staff, the Applicant is no longer proposing the facility should be dedicated to the County.

Virginia Department of Transportation (VDOT)

Comment 1: We continue strongly recommend that the internal streets be designed to be eligible for acceptance into the VDOT system. Therefore, we recommend denial of the zoning modification request to allow private streets with lesser design standards.

Response: The streets are being designed to be eligible for acceptance into the VDOT system, but the Applicant believes that they would be more appropriate as private roads.

Comment 2: The proposed zoning modification to allow the guardhouse and related parking within 35' and 25' of a road, respectively, should be clarified. Ensure that there is sufficient stacking space between the guardhouse and the public street for any anticipated queue, and sufficient maneuvering space to allow vehicles turned away at the guardhouse to turn around.

Response: As set out in our previous response, the Applicant's traffic consultant, Gorove/Slade, has confirmed that the proposed guardhouse would need to be setback at least 100 feet from the intersection of the existing NCC loop road with proposed Road A to prevent stacking issues. This setback has been reflected on the CDP. The Applicant is unable to provide a specific layout and design of the guardhouse facility, but during the site plan review and approval process, Staff will have the opportunity to consider the amount of maneuvering space provided for vehicles needing to turn around.

Comment 3: Ensure that proposed tree planting does not obscure safe site distance at intersections and entrances.

Response: Comment acknowledged. Street trees will not obscure safe site distance at intersections and entrances.

Comment 4: The proposed zoning modification for a single point of access seems needless, as the concept plan depicts the second connection of Road A to Kipheart Drive. Any uncertainty concerning the granting of the short right of way across the county property should be resolved before moving ahead with this project.

Response: The Applicant acknowledges that Staff does not support the proposed zoning modification request, but as discussed during our meeting with Staff, believes that it is for the Board of Supervisors to determine whether it is willing to grant the land-swap discussed with the

Parks, Recreation and Community Service department to allow the construction of the proposed second access to the Property.

I trust that this letter suitably responds to the various issues raised by Staff. Please contact me if you have any additional questions or need any additional information.



Ben I. Wales
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April 27, 2009

Ginny Rowen, Planner
Department of Planning
1 Harrison Street, SE, 3rd Floor
Leesburg, VA 20177

**Re: ZMAP 2007-0004, Lansdowne National Conference Center
Response to Third Referral Comments**

Dear Ginny:

This letter constitutes our response to the Staff and Agency third review comments received to date regarding the above-referenced ZMAP application. The Staff/Agency comments are addressed below. Each comment is summarized (noted in italics) and followed by our response. In accordance with the County's new fee requirements, please find the enclosed fee of \$1,560.

County of Loudoun Office of Transportation Services

OTS staff appreciates the Applicant's revisions to the proposal as well as the traffic counts and analysis at the Upper Belmont Place/Riverpoint Drive intersection. After review, however, OTS staff notes the following errors/omissions in the Applicant's July 10, 2008 traffic memorandum/response letter [Attachment 3]:

Comment 1: Existing lane configuration and traffic control at the Upper Belmont Place/Riverpoint Drive intersection are not accurately depicted (Figure 1B). The same inaccurate lane configuration is also depicted for future conditions with one and two entrances to the proposed development (Figures 2B and 3B, respectively).

Response: Comment acknowledged. Please see the enclosed Traffic Study Memo, dated December 23, 2008.

Comment 2: Graphics in the item do not reflect the road network as it is currently proposed and depicted on the rezoning plat. Neither the proposed connection of Upper Belmont Place through to Kipheart Drive nor reconfiguration of proposed access to the NCC campus as a two-way roadway is illustrated. Site generated traffic volumes based on the currently proposed road network and directional split (assuming two ingress/egress points) are also not shown.

Response: Comment acknowledged. Please see the enclosed Traffic Study Memo, dated December 23, 2008.

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Comment 3: The item's discussion of existing versus future LOS at the Upper Belmont Place/Riverpoint Drive intersection is misleading. While the peak hour LOS category will not change for the westbound Riverpoint Drive approach to the intersection (as it is already at LOS F), both the AM and PM peak hour delay will increase significantly from existing levels with the addition of the proposed development, even with the extension of Upper Belmont Place through the site. The "downstream" signal (at the Upper Belmont Place/Riverside Parkway intersection) is already in place, and additional site-generated traffic on Upper Belmont Place will further reduce the existing gaps which allow vehicles to proceed from this westbound approach, causing the additional forecast delays shown in Tables 2 and 3 of the item (when compared to the existing delay shown in Table 1).

Response: Comment acknowledged. Please see the enclosed Traffic Study Memo, dated December 23, 2008.

Comment 4: There is a lack of specificity regarding the amount/origin and directional split of traffic forecast to be "re-routed" via Upper Belmont Place as a result of the proposed connection through the site to Kipheart Drive. The memo mentions "approximately 65 single family detached houses" . . . "in close vicinity of Kipheart Drive" (which OTS staff assumes to be those dwellings along Kipheart Drive north of Carradoc Farm Terrace and along Ridgeback Place east of Kipheart Drive), but does not provide any rationale for limiting the "split" to only those units. Graphics do not depict the existing ingress/egress route for these existing residential uses and the directional split of their generated traffic once it reaches the Kipheart Drive/Riverpoint Drive intersection.

Response: Comment acknowledged. Please see the enclosed Traffic Study Memo, dated December 23, 2008.

Comment 5: The memo in correctly implies that the existing residential development along Kipheart Drive is part of the Lansdowne Village Greens project. These units are part of the overall Lansdowne on the Potomac development. Lansdowne Village Greens (ZMAP 2003-0006, approved February 2005) is located entirely to the south of Riverside Parkway and was approved for only 545 residential units, far fewer than the amount indicated in the memo.

Response: Comment acknowledged. Please see the enclosed Traffic Study Memo, dated December 23, 2008.

Comment 6: The above items need to be corrected and included in a revised response letter for OTS and VDOT review. The Applicant should identify mitigation measures for the Upper Belmont Place/Riverpoint Drive intersection, through which significant additional traffic from this development will pass. Further discussion with the Applicant is necessary. Issues not resolved.

Response: Comment acknowledged.

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Comment 7: Revisions to the application, namely the proposed second entrance to the site as well as reconfiguration of access to the NCC campus to a two-way roadway, have rendered many of the OTS's previous concerns within Comment #2 moot. As noted in Comment #1 above, however, the Applicant needs to update its traffic study graphics to reflect the currently proposed road network as well as to include separate illustrations of the site-generated traffic versus total future traffic from the site, the NCC facility, and other background development.

Many of the concerns previously noted by OTS staff within Comment #2 stemmed from conference center traffic necessarily having to pass through the proposed residential development in order to exit the site. While the addition of a second site entrance and proposed reconfiguration of the conference center access road to accommodate two-way traffic certainly improve the application, there are still two specific issues which need to be addressed. First, the Applicant needs to ensure that there would be no access to/from the NCC campus via Private Road "B" in the proposed development (except for potential emergency vehicle access). To this end, the Applicant should remove the note on Sheets 4 and 5 of the plat which indicate the potential for a future connection between Private Road "B" and sportsplex parking areas within the PD-SA zoning district. Second, the Applicant should provide a specific mechanism/assurance to the County that the portion of the existing NCC access road proposed to be converted to accommodate two-way traffic will be functional in that regard and in place prior to occupancy of the first residential unit within the proposed development. Further discussion on this matter is necessary. Issues not resolved.

Response: Comment acknowledged. Sheet 4 of the CDP has been revised to confirm that only emergency access will be permitted to/from the NCC campus via (private) Road B.

The draft proffers have been updated to confirm that the existing NCC access road will be improved to accommodate two-lanes of traffic prior to the issuance of a zoning permit for the first residential unit at the Property.

Comment 8: OTS staff appreciates the Applicant's proposal to add a second means of ingress/egress between the proposed development and existing NCC campus and the surrounding street network (i.e., an extension of Upper Belmont Terrace through the site, connecting with Kipheart Drive opposite Carradoc Farm Terrace). As noted in the Applicant's Statement of Justification, however, this second connection crosses County-owned property (PIN # 081-45-4849, part of Lansdowne Sports Park) for which easements would need to be granted in order for the road to be constructed. The location of this proposed road connection is depicted on Attachment 2. OTS defers to other County departments and agencies regarding zoning and other functional issues that may arise as a result of this road connection. While it is the Board of Supervisors that will ultimately decide on whether to grant the necessary easements to construct this road connection and/or whether to approve this application in some form, lack of this second road connection to the site would require approval of a Zoning Modification to allow all 212 proposed residential units (plus NCC campus traffic) to use a single point of access. As noted in the previous referral, OTS could not support such a scenario.

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Further discussion of specific issues related to the potential road connection across County-owned property is necessary. Issues not resolved.

Response: Comment acknowledged. The Applicant has met several times with Staff from the County's Parks, Recreation and Community Services department to discuss the provision of the second access to the Property. The Applicant is proposing to acquire the land needed for the construction of the road connection (approximately 3,800 SF) through a land swap of an equivalent portion of the NCC property contiguous to the Lansdowne Sports Park. Therefore, no right of way or easements would be required.

The Applicant believes that this proposal has the support of the County's Parks, Recreation and Community Services department. However, the Applicant acknowledges that it is the decision of the Board of Supervisors whether the proposed land swap necessary for the second access can take place.

County of Loudoun Department of Building and Development

Comment 1: As mentioned in the previous ERT referral, a build-out approach that restricts disturbance to within the existing parking area and cleared spaces adjacent to parking would meet virtually all green infrastructure policies in Chapter 5 of the Revised General Plan (RGP). Stormwater management areas would also be minimal, depending on the amount of impervious area added in the areas adjacent to the parking lots.

Response: To the greatest extent possible, the Applicant has designed the proposed residential development within the areas of the existing parking lot. However, the Applicant is not able to restrict development entirely within this area.

In addition to restricting the proposed development to generally within areas of previously developed land, the proposal includes the following environmental commitments:

- Protection of environmentally sensitive areas, including wetlands and steep slopes and associated buffer areas.
- Utilization of additional E&S measures in keeping with the Goose Creek Watershed, even though the Property lies outside of the watershed, including:
 - Use of super silt fence on the Property in all downstream perimeter locations and in upstream locations that require tree protection.
 - Doubling of the volumetric requirements of sediment traps and basins except in areas noted to also include proposed building envelopes and pavement areas to ensure that the sub grade is not negatively impacted.

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- Provision of additional stabilization matting by increasing the velocity parameters from 4 to 7 fps to 3 to 7 fps within channel areas, with the understanding that sod is an acceptable alternative to stabilization matting.
- The provision of significant Tree Conservation Areas throughout the Property.

Comment 2: No commitment is made to implement Guiding Principle Policy 12 of approved CPAM-2007-0001, encouraging energy efficient, high performance design for proposed homes.

Response: The Applicant is not able to commit to energy efficiency requirements for proposed residential units at this time. The specific design of buildings and energy efficiency measures included will be market driven and determined by the developer(s) who constructs the proposed residential units.

Comment 3: This applicant proposes new residential lots with frontage roads that will convey commercial traffic. Staff remains concerned about ambient noise within homes and in public open spaces, where maximum noise levels are listed in Table 4-1 of the Countywide Transportation Plan, and recommends that a noise study and noise attenuation commitment to mitigate for the close proximity of homes to commercial traffic. In general, highly energy efficient homes also are well insulated against ambient noise.

Response: The Applicant does not believe that noise attenuation or mitigation measures are necessary to restrict possible impacts from traffic associated with the NCC facility. As shown on the CDP, only one residential unit will be developed adjacent (but not fronting onto) Road A, which is the only road that would accommodate NCC traffic. Further, the Applicant does not anticipate significant levels of noise from vehicles associated with the NCC facility. Guests at the facility are typically attending conferences hosted by the NCC. Therefore, these guests are likely to generate only two vehicle trips during their stay, traveling to and from the center. In addition, guests at the NCC are typically out of town residents who are collected from the Dulles or National airports by shuttle buses.

Notwithstanding the above, the Applicant has revised Sheet 5 of the CDP to show a landscape berm between Road A and the adjacent residential unit to mitigate any possible impacts.

Comment 4: The land proposed for development sends storm runoff through golf course water features and then to the Potomac River. The applicant has not agreed to the following commitments for erosion and sediment control:

- *Super silt fence to be substituted for silt fence in all perimeter locations, including phased sections of construction.*
- *Sediment traps and basins will provide double the minimum required volume (286 cubic yards per acre), except that this volume may be reduced to avoid impacts to sensitive environmental features (e.g. streams, wetlands, forest cover, steep slopes.)*

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- *The use of stabilization matting will be expanded to aid in establishment of vegetation.*
- *Development phasing should be used to avoid extensive areas of disturbance for extended periods of time.*

These standards are requirements for the Goose Creek reservoir area, as described in FSM Section 5.320.D.7. Staff believes that the proximity to golf course ponds and the Potomac River justify these standards in this location to better maintain water clarity during construction.

Response: Comment acknowledged. The Applicant has revised the proffers to provide a commitment to the use of super silt fence on the Property in all downstream perimeter locations and in upstream locations that require tree protection.

The Applicant is also committing to the doubling of the volumetric requirements of sediment traps and basins except in areas noted to also include proposed building envelopes and pavement areas to ensure that the sub grade is not negatively impacted. The Applicant also agrees to provide additional stabilization matting by increasing the velocity parameters from 4 to 7 fps to 3 to 7 fps within channel areas, with the understanding that sod is an acceptable alternative to stabilization matting.

Comment 5: The proffered site will remove over five acres of mature, hardwood forest, replacing it with impervious surfaces or fertilized yards. The offsite stormwater features referenced by the applicant are ponds in downstream golf courses that lack sediment forebays and do not meet current stormwater design standards. Staff believes that a commitment to a pollutant removal outcome of 50 percent of the phosphorous generated by the application, where the development pollution load is compared to the Average Land Condition, where Average Land Condition assumes that the existing site area is 16 percent impervious, is important to mitigate loss of water quality.

Response: As set out in the draft proffers, the Applicant is willing to commit to the provision of a 50% phosphorus removal generated by the application in accordance with Chapter 5 of the Facilities Standards Manual adopted 12/4/07 and the Virginia Stormwater Management Handbook, First Edition 1999. The phosphorus removal will be achieved by the construction of an off-site SWM/BMP facility in one of the two locations shown in the Exhibit referenced in draft Proffer 7. However the Applicant's ability to comply with this commitment is contingent on the granting of all required local, state and federal permits for the construction of the necessary SWM/BMP facility.

A preliminary analysis concluded that the 50% removal may be feasible through modification of the existing culvert crossing of the NCC loop road immediately downstream of the subject property, while minimizing impact to the existing environmental features. This may be achieved via an in-line retention basin or in-line enhanced extended detention facility immediately

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upstream of the culvert. An off-line facility may be possible downstream of the culvert subject to final design.

County of Loudoun Department of Fire, Rescue and Emergency Management

Comment: The Fire and Rescue Staff still can not support the Applicant's request to modify Section 4-110 (D) of the Zoning Ordinance to allow more than 79 units to be served by a single point of access. Staff is of the opinion that the Applicant's response did not adequately address our concerns. While the revised plat shows a second point of access there is no guarantee that an easement will be granted to the Applicant to establish that second point of access. It is understood that securing an easement takes time; however, it is unknown if the process is underway.

Response: Comment acknowledged. The Applicant believes that the proposed second access will be a significant benefit to the residents of Lansdowne and will allow the proposed development to be served by two points of access. The Applicant has met several times with Staff from the County's Parks, Recreation and Community Services department to discuss a proposed land-swap that would allow the Applicant to acquire the land needed for the road connection (approximately 3,800 SF) and would replace this land with a portion of the NCC property contiguous to the Lansdowne Sports Park. Therefore, no easements would be necessary for the proposed second access. The Applicant believes that the Parks, Recreation and Community Services department is in support of the proposal and looks forward to discussing it with the Planning Commission and Board of Supervisors.

County of Loudoun Department of Planning

Comment A: Site Design. Staff recommends redesigning the site locating development outside of all elements of the river and stream corridor resource. Staff further recommends the applicant commit to the following:

- *location of street trees and street lighting throughout the project;*
- *on-street parking; and*
- *detached garages and/or rear loaded garages for single-family attached units.*

Response: The Applicant has revised the layout of the proposal to ensure that the development will not encroach into any elements of the river and stream corridor resource.

As discussed with Staff, the Applicant is proposing street trees, on-street parking and the use of detached and/or rear loaded garages. Street lighting will be provided as required per Section 7.110 of the FSM at time of Construction Plans. This is reflected in Notes 5 and 6 added to Sheets 4 and 5 of the CDP.

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Comment B: Transportation. Staff recommends separating National Conference Center traffic from the proposed residential community by removing the note from the Concept Plan stating that Road B may be extended to the potential parking area serving the National Conference Center. Staff defers to OTS and Fire, Rescue, and Emergency Management regarding the transportation and safety issues.

Response: Comment acknowledged. Please see the Note on Sheet 4 of the CDP, which has been revised to address Staff's comment.

Comment C 1: Land Use Mix. Public Parks and Open Space. Staff recommends the applicant commit to commercial quality equipment for the tot lots. Staff further recommends updating Proffer IIIA committing to the proposed tot lots at an earlier stage of development.

Staff recommends revising the proffer statement to include upgrades to the fitness center. The Phasing Plan note on Sheet 6 should be revised to state access to the existing fitness center will be established with the creation of the Homeowners Association or the inclusion of the property into the Lansdowne on the Potomac HOA in the event the property is annexed. Staff requests information regarding the shared use of the fitness center by the conference center and the residents of the proposed community to ensure the facility will be sized to adequately meet the needs of both users.

Response: Please see the draft proffers, which have been revised to commit to the provision of commercial quality equipment in proposed tot lots. As set out in the draft proffers, the first tot lot will be provided prior to approval of the 75th residential zoning permit and the second will be provided prior to the issuance of the 150th residential zoning permit.

The draft proffers have also been revised to include proposed upgrades to the Sports-Plex/Community Center facility. The Applicant has determined that the facility needs to be improved with a new roof and new Heating, Ventilation and Air Conditioning system and values these improvements at \$120,000.

As set out in the draft proffers, the Applicant is willing to dedicate the Sports-Plex/Community Center to the Lansdowne on the Potomac HOA. If this HOA does not wish to take on the ownership of the facility, it will be dedicated by the Applicant to Loudoun County's Department of Parks, Recreation and Community Services. Given that the facility will be available for use by all residents of Lansdowne and public in nature, the Applicant is seeking a credit of the cost of the proposed improvements from the capital facilities contributions associated with this application.

The draft proffers confirm that access to the facility will be established with the creation of the Homeowners Association or the inclusion of the property into the Lansdowne on the Potomac

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HOA, in the event the property is annexed. The Phasing Note has been removed from Sheet 6 of the CDP.

As previously set out, the Applicant will seek to maintain access to the Sports-Plex/Community Center facility by its guests. However, use of this existing facility by guests at NCC is not common. The NCC also has a new fitness center, which is located within the Conference Center and is more convenient to guests than the Sports-Plex/Community Center.

Comment C 2: Public and Civic Space. Staff recommends revising the CDP to show an additional 3.79 acres of public and civic space. Staff requests information regarding the proposed 0.77 acre civic space to determine if the intent of the Plan is being met.

Response: Comment acknowledged. Please see Sheet 6 of the revised CDP, which provides a tabulation of Public and Civic Spaces.

Comment D 1: Existing Conditions. River and Stream Corridor Resources. Staff recommends revising the submitted plats to include all the elements of the river and stream corridor resources as called for in the Plan. Staff recommends redesigning the site locating development outside of the river and stream corridor resources. Staff defers to the department of Parks, Recreation, and Community Services regarding dedication of the river and stream corridor resource for a passive linear park.

Response: The CDP has been revised to confirm that all elements of RSCOD are honored. The proposal will not encroach into the management buffers recommended for these areas by the RGP.

Comment D 2: Stormwater Management. Staff requests information pertaining to stormwater runoff. Given that surface water from the proposed neighborhood will eventually drain into the Potomac River, staff recommends the applicant commit to measures that can treat the quality of the water near proposed impervious areas using LID techniques.

Response: The Applicant is willing to commit to the use of super silt fence on the Property in all downstream perimeter locations and in upstream locations that require tree protection.

The Applicant is also willing to commit to the doubling of the volumetric requirements of sediment traps and basins except in areas noted to also include proposed building envelopes and pavement areas to ensure that the sub grade is not negatively impacted. The Applicant also agrees to provide additional stabilization matting by increasing the velocity parameters from 4 to 7 fps to 3 to 7 fps within channel areas.

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Comment D 3: Forest, Trees and Vegetation. Staff recommends expanding the TCAs to correspond with open space land bays primarily within the river and stream corridor resources and steep slope areas.

Response: As recommended by Staff, the TCA's have been expanded to correspond with the open space land bays within the RSCOD.

Comment F: Zoning Modifications. For the above reason, staff does not support permitting more than 79 units to be served via a single point of access.

Response: Comment acknowledged. The Applicant has met several times with Staff from the County's Parks, Recreation and Community Services department to discuss a proposed land-swap that would allow the Applicant to acquire the land needed for the road connection (approximately 3,800 SF) and would replace this land with a portion of the NCC property contiguous to the Lansdowne Sports Park. Therefore, no easements would be necessary for the proposed second access. The Applicant believes that the Parks, Recreation and Community Services department is in support of the proposal and looks forward to discussing it with the Planning Commission and Board of Supervisors.

Comment G: Open Space Program. Staff recommends the application contribute land or provide an open space easement contribution equivalent to the cost of purchasing open space in the Ashburn Community.

Response: Comment acknowledged. As recommended by Staff, the Applicant has revised the draft proffers to increase the proposed open space contribution.

County of Loudoun Department of Building and Development Zoning Administration

Zoning Ordinance Comments

Comment 1: Section 3-511 (A) and Section 3-610(A) Development Setback and Access from Major Roads, Private Streets and Section 4-110(B) Private Streets. Townhouses and multi-family uses only, may be served by private streets without the need of a modification to the Zoning Ordinance. Thus, other units such as duplex units must be located on public streets, unless a modification is requested. Staff notes that the CDP does not identify where the duplex units will be located within the development. Also, Staff notes that the Zoning Modifications Matrix on Sheet 6 of the CDP states that the Applicant is requesting a modification to Section 3-511(C), as opposed to Section 3-511(A). Clarify these issues.

Response: The Applicant is no longer proposing duplex units as part of this application. The Zoning Modifications Matrix on Sheet 6 has been revised as suggested by Staff.

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Comment 2: Section 3-608(B). Off Street Parking. The SFD and SFA off-street parking tabulations shown on Sheet 6 are incorrect. Pursuant to Table 5-1102 of the Zoning Ordinance, the SFA and SFD parking rate is 3.0 spaces per unit. Also, based on the parking rate used for MF units, shown in the table on Sheet 6, all MF units will be 4 bedroom units. Please confirm. In addition, a note under the parking table on Sheet 6 states that on-street parking will be provided. Confirm whether the on-street parking will be all extra parking, as the minimum required parking for SFD, SFA and MF units must be served by off-street parking.

Response: Comment acknowledged. Please see the revised CDP, which has been updated to correct the tabulations shown on Sheet 6 and to confirm that on-street parking will be provided to accommodate extra parking spaces.

Comment 3: Section 4-101 Purpose. Staff continues to question whether this application meets the purpose and intent of a PD-H zoning district. In addition, Staff reiterates that the Application does not provide any supporting non-residential uses within the development which are required by this Section and is not within close walking distance to other non-residential services.

Response: As previously discussed, the Applicant believes that it would be inappropriate for non-residential uses to be included in the proposed development. The Applicant believes that the proposed development will provide an extension of the surrounding Lansdowne community, which is served by its own town center.

Comment 4: Section 4-103 Timing of Development. The Applicant addressed the timing of construction in their SOJ regarding the residential units and open space. Staff notes the Applicant intends to utilize the existing surface parking spaces within the proposed PD-H to meet the minimum off-street parking spaces required by the Zoning Ordinance to serve the Conference Center until the parking garage is built in the PD-SA zoned portion of the Xerox property. Staff has an issue with this proposal and the draft proffer as written to address the timing of construction and parking for the Xerox facility. Since a portion of the required off-street Xerox Conference Center parking would be located within a PD-H zoning district and would be an accessory use to the Conference Center use, that accessory use must also be permitted in the PD-H. A conference center is not a permitted use in the PD-H zoning district. Thus, the Applicant could not use parking in the PD-H to temporarily meet the required off-street parking for the Xerox Conference Center in the PD-SA zoning district.

Response: As suggested by Staff, on January 28, 2009, the Applicant submitted a zoning determination request to the Zoning Administrator seeking the ability to continue the use of the surface parking lot following the rezoning of the Property. The Applicant is awaiting a response to this request. In the meantime, the Applicant has added a zoning modification request to this application to address this issue. The Applicant seeks to modify Section 51103(A) of the Ordinance to allow use of an existing parking facility on a separate lot or parcel more than five hundred (500) feet from the principal entrance of the building lot being served.

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Comment 5: Section 4-104(A) Maximum Net Residential Density. Demonstrate compliance with this Section as the ADU and density tables on Sheet 6 are not clear. Demonstrate compliance with this Section by annotating the table to the CDP to demonstrate that the maximum permitted densities allowed per the R-8 ADU and R-16 ADU zoning districts are not exceeded. Remove the note from Sheet 6 in the ADU table that states "ADU units to be determined at site plan or preliminary subdivision" as this is not accurate.

Response: Comment acknowledged. Please see the revised tables on Sheet 6.

Comment 6: Section 4-109(A). Site Planning-External Relationships. In consultation with OTS, Staff continues to question whether the traffic study provided with the Application regarding traffic counts and service levels at neighboring intersections comparing the proposed use and the Conference Center traffic are accurate. Staff defers additional comment to OTS. Staff also notes that the Applicant has added a second connection to the development, which is located off-site, via Kipheart Drive, which crosses open space owned by the Board of Supervisors (BOS). The Applicant has also requested a modification to allow the 212 units to be served by one entrance in the event the BOS will not grant them the land for the connection. Staff does not support this modification. Further discussion is included in the modification section of this referral.

Response: Comment acknowledged. Comments received from OTS are addressed elsewhere in this letter.

Comment 7: Section 4-110(B). Site Planning-Internal Relationships. The Applicant is requesting a modification to allow SFD to be served by private streets. The Applicant indicated that public streets preclude close-knit communities and create pocket communities. Staff questions how providing SFD and duplex units that front on public streets creates pocket communities and preclude a close-knit community when Traditional design concepts can be achieved by using public streets in the R-8 and R-16 zoning districts. According to the proffer statement, the application proposes duplex units. Staff notes these units must be served by public streets unless a modification is requested. In addition, clarify what type of civic use(s) will be located within the open space Landbay O-2 shown on the CDP, as it may also require a modification to be served via private streets.

Response: As previously discussed, the provision of private streets will allow narrower roads through the proposed community and allow a more condensed and integrated development. This has a number of benefits. In addition to those previously provided in the Statement of Justification, the provision of private streets will also reduce the amount of impervious surface at the Property and so result in less surface run-off than public roads. Further, the provision of private streets will allow a larger area of open space to be retained around the edges of the Property and assist the retention of existing vegetation in Tree Conservation Areas.

The Applicant is proposing a mix of multi-family, town homes and single family attached units. As Staff is aware, multi-family units and town homes may be accessed by private streets. Given

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the small size of the proposed neighborhood, the integration of town homes and single family attached units throughout the neighborhood and the proposed grid street network, the proposed modification is necessary to allow a consistent road network.

Finally, the Applicant would like to confirm that the proposed private streets will be constructed to County standards, but will be privately maintained, with no public maintenance requirements.

The Applicant is no longer proposing duplex units as part of this application. As shown on the revised CDP, the Applicant is proposing a gazebo and benches on Landbay O-2. This facility will be for use by residents of the Property only and does not need to be accessed by public street.

Comment 8: Section 4-110(C) Site Planning-Internal Relationships. Comment not resolved. Staff notes that the northern portion of the loop roadway on the PD-SA zoned portion of the property is proposed to be a 2-way street as opposed to a one-way street. Furthermore, Road B is now designated on the CDP as a private street. Staff further notes that numerous sheets contain a note which states that "Road B is private and terminates in a cul-de-sac. The owner reserves the right to allow potential connection between the Road B and the potential parking area in the PD-SA zoning district." Except for emergency traffic, Staff is concerned that this will encourage outside or through traffic for the Conference Center to use Road B, which is a minor private street and is not allowed per Section 4-109(A) and Section 4-110(C) of the Zoning Ordinance. Remove this note from all Sheets.

Response: Comment acknowledged. As recommended by Staff, the Note on Sheet 4 of the CDP has been revised to confirm that access shall only be provided for emergency vehicles.

Comment 9: Section 4-110(F) Ways for pedestrians; use by emergency or service vehicles. Staff also notes that the Applicant has added a second connection to the development via Kipheart Drive which crosses open space owned by the Board of Supervisors (BOS). The Applicant has also requested a modification to allow the 212 units to be served by one entrance in the event the BOS will not grant them the land for the connection. Staff does not support this modification. Furthermore, the Applicant has not demonstrated whether the area to be used for the roadway connection is needed to meet the open space requirement for the adjacent development or whether the open space easement language is written in such a manner that would allow a road connection through open space.

Response: The Applicant believes that the proposed second access will be a significant benefit to the residents of Lansdowne and will allow the proposed development to be served by two points of access. The Applicant has met several times with Staff from the County's Parks, Recreation and Community Services department to discuss a proposed land-swap that would allow the Applicant to acquire the land needed for the road connection (approximately 3,800 SF) and would replace this land with a portion of the NCC property contiguous to the Lansdowne

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Sports Park. Therefore, no easements would be necessary for the proposed second access and there would be no impact to the level of open space required by adjacent developments.

Comment 10: Section 4-110(G) Protection of Visibility-cyclists and pedestrians. Comment not resolved. Staff notes there are no sidewalks shown to connect Open Space Landbays O-3 and O-4 to the rest of the community. In addition, notes stating "Additional roads, alleyways, and landbays may be added as necessary....." are still located on numerous sheets of the plan and must be removed.

Response: As discussed with and demonstrated to Staff during our recent meeting, pedestrian access will be provided to these Landbays through the Property.

The Applicant believes the Note regarding the potential addition of roads, alleyways and landbays is necessary as more detail is being provided on the CDP, than merely the 'concept'. The Applicant is in danger of being restricted to a layout that may need to be amended at the time of final engineering. However, the overall intent of the design shown on the CDP, including proposed densities, will be maintained.

Comment 11: Section 4-110(I) Site Planning-Internal Relationships-Uses adjacent to single-family residential, or agricultural and residential districts or land bays allowing residential uses. Comment not resolved. Staff maintains that the Applicant has not demonstrated how this modification is innovative in its design on the CDP or how it meets or exceeds the public purpose of the existing zoning regulation. See the modification section of this referral for additional comments.

Response: Further to the justification already provided for the proposed zoning modification, The Applicant believes that the proposed modification will also enable the provision of more open space on the edges of the proposed neighborhood and allow existing vegetation to be retained within proposed Tree Conservation Areas. The intent of this section of the Zoning Ordinance is to provide separation between neighborhoods, whereas the Applicant is proposing only one neighborhood. Therefore, the proposal to remove the internal buffers from the property and allow increased buffer widths on the edges of the Property is consistent with the intent of the Ordinance. The Applicant would also like to note that if this modification was not being requested, the buffers within the neighborhood would count towards the Property's open space requirements. Unfortunately, this would prevent such areas of open space being consolidated into the proposed open space landbays. The Applicant's proposal has been focused around three areas of open space, which will be accessible from all residential properties. Given the above, the Applicant believes that the proposed modification represents an innovative design.

Comment 12: Section 4-111(A) Site Planning-Internal Relationships-Open Space. Staff notes that the Applicant has identified the open space landbays on the CDP and has stated that the existing Sports-Plex will be utilized to meet the required active recreation open space requirements

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of the Zoning Ordinance. The Applicant has provided a description of amenities in their response letter to demonstrate that they meet the Article 8 Zoning Ordinance definition of "recreation space, active." Staff recommends the Applicant provide a proffered exhibit and proffer language explaining in greater detail the square footage of each amenity to ensure it meets the definition of recreation space, active and demonstrate how they calculated the 330,184 square feet of active recreation space shown on Sheet 6. Staff notes that areas shown on the CDP as potential parking lots cannot be counted toward this requirement. Staff notes that a note in the active recreation table on Sheet 6 still states that the maximum active recreation area required may be determined upon determination of ADUs at site plan/preliminary subdivision. In accordance with the R-8 and R-16 District ADU regulations of Section 7-800 and Section 7-900, the CDP must delineate the minimum required active recreation open space and cannot be altered or adjusted at the time of site plan or preliminary plan. Furthermore, pursuant to the definition of recreation space, active and open space, active in Article 8 of the Zoning Ordinance, community centers are only permitted to be located in active recreation spaces in the TR and JLMA zoning districts. Thus, a community center is not permitted in the active recreation space shown on the CDP. In addition, unless shown as a feature on the CDP pursuant to Section 4-104(B), a community center is special exception use in the R-8 zoning district. Revise the CDP and Note #4 on Sheet 4 accordingly.

Response: The active recreation areas have been re-tabulated and shown on Sheet 6 of the CDP. The existing Sports-Plex/Community Center building is no longer counted towards active recreation requirements and therefore, it will be utilized as a community center and tabulated as part of the civic Space requirements of this proposal. As recommended by Staff, the facility has been labeled Sports-Plex/Community Center on the CDP.

Comment 13: Section 4-702 PD-SA Size and Location. Due to the nature of the PD-SA zoning district and the uses associated with it, it should be separated from residential uses. Staff continues to question whether this section of the Zoning Ordinance is met.. Comment not resolved.

Response: The Applicant maintains that appropriate and required buffers will be provided between the proposed residential districts and the existing PD-SA district. The Applicant notes that this section of the Zoning Ordinance does not set out a need for separation between the PD-SA district and residential units; it merely indicates that PD-SA districts should be located in "areas served by a road network appropriate to the contemplated land use." In this circumstance, the contemplated use of the PD-SA district is the approved use. Given the small number of commercial vehicles associated with the Conference Center and use of shuttle buses to transport many guests and visitors to the Center, the Applicant believes that the existing and proposed road network is appropriate for the anticipated use of the PD-SA district.

Comment 14: Section 5-1100 Off-Street Parking and Loading Requirements. Comment not resolved. The SFD and SFA off-street parking tabulations shown on Sheet 6 are incorrect. Pursuant to Table 5-1102 of the Zoning Ordinance, the SFA and SFD parking rate is 3.0 spaces per unit. Also, based on the parking rate used for MF units, shown in the table on Sheet 6, all MF

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units will be 4 bedroom units. Please confirm. In addition, a note under the parking table on Sheet 6 states that on-street parking will be provided. Confirm whether the on-street parking will be all extra parking, as the minimum required parking for SFD, SFA and MF units must be served by off-street parking. In addition, the Applicant addressed the timing of construction in their SOJ regarding the residential units and open space.

Staff notes the Applicant intends to utilize the existing surface parking spaces within the proposed PD-H to meet the minimum off-street parking spaces required by the Zoning Ordinance to serve the Conference Center until the parking garage is built in the PD-SA zoned portion of the Xerox property. Staff has an issue with this proposal and the draft proffer as written to address the timing of construction. Since the Xerox Conference Center parking would be located within a PD-H zoning district and would be an accessory use to the Conference Center use, that accessory use must also be permitted in the PD-H. A conference center is not a permitted use in the PD-H zoning district. Thus, the Applicant could no use parking in the PD-H to temporarily meet the required off-street parking for the Xerox Conference Center in the PD-SA zoning district.

Response: Comment acknowledged. Please see the revised table on Sheet 6 of the CDP, which has been updated to address Staff's comments concerning parking spaces.

As suggested by Staff, on January 28, 2009, the Applicant submitted a zoning determination request to the Zoning Administrator seeking the ability to continue the use of the surface parking lot following the rezoning of the Property. The Applicant is awaiting a response to this request. In the meantime, the Applicant has added a zoning modification request to this application to address this issue. The Applicant seeks to modify Section 51103(A) of the Ordinance to allow use of an existing parking facility on a separate lot or parcel more than five hundred (500) feet from the principal entrance of the building lot being served.

Comment 15: Section 7-103(A) and (B) ADU Density Adjustments for SFD/SFA Units and MF Units. The ADU density table on Sheet 6 does not clearly delineate the 20 percent density increase for SFD/SFA and 10 percent density increase for MF units. Staff is unsure why the figures used in the Density Bonus Table column are 1.2 and 1.1 respectively. In addition, on Sheet 6, rather than stating 12.5% of the SF dwelling units and 6.25% of the MF dwelling units will be ADUs, provide the number of ADUs in the ADU table to demonstrate that these percentages are met.

Response: Comment acknowledged. Please see the revised table on Sheet 6 of the CDP.

Comment 16: Section 7-801 Purpose. Demonstrate compliance with this Section as the ADU and density tables on Sheet 6 are not clear. Demonstrate compliance with Section by annotating the table on Sheet 6 to demonstrate that the maximum permitted density allowed per the R-8 ADU zoning district is not exceeded.

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Response: Comment acknowledged. Please see the revised table on Sheet 6 of the CDP.

Comment 17: Section 7-803(D) Lot Coverage. The table on Sheet 6 was not corrected. Comment not resolved.

Response: Comment acknowledged. Please see the revised table on Sheet 6 of the CDP.

Comment 18: Section 7-803(E) Active Recreation Space. See Staff's response in Comment # 12.

Response: The active recreation areas have been re-tabulated and shown on Sheet 6 of the CDP. The existing Sports-Plex/Community Center building is no longer counted towards active recreation requirements and therefore, it will be utilized as a community center and tabulated as part of the Civic Space requirements of this proposal.

Comment 19: Section 7-901 Purpose. Demonstrate compliance with this Section as the ADU and density tables on Sheet 6 are not clear. Demonstrate compliance with this Section by annotating the table on Sheet 6 to demonstrate that the maximum permitted density allowed per the ADU R-16 ADU zoning district is not exceeded.

Response: Comment acknowledged. Please see the revised tables on Sheet 6 of the CDP.

Comment 20: Section 7-903(E) Active Recreation Space. See Staff's response in Comment #12.

Response: The active recreation areas have been re-tabulated and shown on Sheet 6 of the CDP. The existing Sports-Plex/Community Center building is no longer counted towards active recreation requirements and therefore, it will be utilized as a community center and tabulated as part of the Civic Space requirements of this proposal.

Zoning Map Amendment Consideration Items

Comment 1: Section 6-1211(E) (Item 3). Regarding Item 3, Staff continues to question how this application integrates itself into the Lansdowne community. Staff is also concerned that the proposal is not compatible with the adjacent PD-SA zoning district, as the intent of the PD-SA zoning district is to keep it separate due to the large scale nature of the uses allowed in the PD-SA zoning district. See Comments #6 through #9 of this referral regarding the second point of access and the modification of Section 4-110(D). Staff questions how this proposal integrates itself into the Lansdowne community in a safe, convenient manner.

Response: As discussed above, the proposed residential districts will be separated from the PD-SA district by buffer yards required by the Zoning Ordinance. These buffer yards currently separate the PD-SA district from residential districts to the north, east and south of the Property.

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The Applicant believes that the proposed development will be integrated within the existing Lansdowne community. The proposal's second access will provide an important pedestrian and vehicular connection from residential areas to the north of the Property to areas to the south and the Belmont Ridge middle school. This connection will be of particular benefit to residents of Lansdowne to the north west of the Property and will provide a shorter connection from these properties towards Route 7.

The Applicant is proposing to dedicate the Property's existing Sports-Plex/Community Center to the Lansdowne community (or alternatively, Loudoun County) and has received initial feedback that the community would welcome this dedication. By providing the use of this important facility, the Property's integration within the Lansdowne community would be further cemented.

Comment 2: Section 6-1211(E) (Item 7). See Staff responses in Comments #3 and #4 and #6 through #9.

Response: Please see the responses to these comments above.

Modifications

Comment 1: Section 1-205(A) Lot Access Requirements.

Provision: No structure requiring a building permit shall be erected upon any lot which does not have frontage on a Class I, Class II, Class III road, or private access easement as specified in the individual district regulations, except as specifically provided for herein and the Land Subdivision and Development Ordinance (LSDO).

Request from 2nd submission: To permit access to single family detached units via private streets.

Staff Analysis: Staff questions why the Applicant removed this modification request as there are SFD units served by private streets as opposed to public streets. Staff continues to question how providing units that front on public streets creates pocket communities and preclude a close-knit community when Traditional design concepts and a sense of community can be achieved by using public streets in the R-8 and R-16 zoning districts. In addition, it is not clear as to what type of use will be located on the civic use space shown on the CDP or where the duplex units will be located. Thus, the Applicant may need to request a modification of this Section for the particular uses in question.

Response: As previously discussed, the provision of private streets will allow narrower roads through the proposed community and allow a more condensed and integrated development. This has a number of benefits. In addition to those previously provided in the Statement of Justification, the provision of private streets will also reduce the amount of impervious surface at the Property and so result in less surface run-off than public roads. Further, the provision of

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private streets will allow a larger area of open space to be retained around the edges of the Property and assist the retention of existing vegetation in Tree Conservation Areas.

The Applicant is proposing a mix of multi-family, town homes and single family attached units. As Staff is aware, multi-family units and town homes may be accessed by private streets. Given the small size of the proposed neighborhood, the integration of town homes and single family attached units throughout the neighborhood and the proposed grid street network, the proposed modification is necessary to allow a consistent road network.

Finally, it is important to note that the proposed private streets will be constructed to County standards, but will be privately maintained, with no public maintenance requirements.

The Applicant is no longer proposing duplex units as part of this application. As shown on the revised CDP, the Applicant is proposing a gazebo and benches as part of a neighborhood green on Landbay O-2. This facility will be for use by residents of the Property only and does not need to be accessed by public street.

Comment 2: Section 3-509(C), Section 3-608(C), Section 4-109(C) and Section 4-110(I). Internal and External 50 Foot Permanent Open Space Buffers.

Staff Analysis: Staff questions whether modifying the required internal 50 foot permanent buffer yards planted with a Type II buffer between all residential landbays down to zero and reducing the internal permanent buffer yard planted with a Type II buffer to 10 feet adjacent to the fitness center meets or exceeds the public purpose. Staff questions how the absence of internal buffers between residential unit types allows for integration and creation of a seamless and dynamic community which is safe and pedestrian friendly, as these characteristics are able to be achieved without a modification. Also, the CDP shows the perimeter buffer yard adjacent to the fitness facility at 50 feet, as opposed to 10 feet requested in the modification. Please clarify and revise the CDP and/or modifications accordingly. In addition, Staff questions how these modifications are innovative and unique in their design. Staff notes that Section 3-507(G) requires a 50 foot common open space buffer with a Type II buffer where traditional development adjoins an existing or planned residential district, land bay, or development which has a minimum allowable lot size of 6,000 square feet greater. Staff notes that unless the applicant requests a modification of Section 3-507(G), the CDP must be revised to reflect the 50 foot common open space buffer yard.

Response: Further to the justification already provided for the proposed zoning modification, The Applicant believes that the proposed modification will also enable the provision of more open space on the edges of the proposed neighborhood and allow existing vegetation to be retained within proposed Tree Conservation Areas. The intent of this section of the Zoning Ordinance is to provide separation between neighborhoods, whereas the Applicant is proposing only one neighborhood. Therefore, the proposal to remove the internal buffers from the property and allow increased buffer widths on the edges of the Property is consistent with the

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intent of the Ordinance. The Applicant would also like to note that if this modification was not being requested, the buffers within the neighborhood would count towards the Property's open space requirements. Unfortunately, this would prevent such areas of open space being consolidated into the proposed open space landbays. The Applicant's proposal has been focused around three areas of open space, which will be accessible from all residential properties. Given the above, the Applicant believes that the proposed modification represents an innovative design.

The Application has been revised to request a modification of Section 3-507(G) of the Zoning Ordinance.

The request for a modification of the 50-foot buffer adjacent to the Sports-Plex/Community Center along the perimeter of the Property is not required and has been removed from the application.

Comment 3: Section 4-110(B). Site Planning-Internal Relationships.

Staff Analysis: The Applicant is requesting a modification to allow SFD to be served by private streets. The Applicant indicated that public streets preclude close-knit communities and create pocket communities. Staff questions how providing SFD and duplex units that front on public streets creates pocket communities and preclude a close-knit community when Traditional design concepts can be achieved by using public streets in the R-8 and R-16 zoning districts. According to the proffer statement, the application proposes duplex units. The CDP does not show the location of where the duplex units will be located. Staff notes these units must be served by public streets unless a modification is requested. Revise the CDP and the list of modifications accordingly. In addition, clarify what type of civic use will be located within the open space, as it may also require a modification to be served via private streets.

Response: As previously discussed, the provision of private streets will allow narrower roads through the proposed community and allow a more condensed and integrated development. This has a number of benefits. In addition to those previously provided in the Statement of Justification, the provision of private streets will also reduce the amount of impervious surface at the Property and so result in less surface run-off than public roads. Further, the provision of private streets will allow a larger area of open space to be retained around the edges of the Property and assist the retention of existing vegetation in Tree Conservation Areas.

The Applicant is proposing a mix of multi-family, town homes and single family attached units. As Staff is aware, multi-family units and town homes may be accessed by private streets. Given the small size of the proposed neighborhood, the integration of town homes and single family attached units throughout the neighborhood and the proposed grid street network, the proposed modification is necessary to allow a consistent road network.

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Finally, the Applicant would like to confirm that the proposed private streets will be constructed to County standards, but will be privately maintained, with no public maintenance requirements.

The Applicant is no longer proposing duplex units as part of this application. As shown on the revised CDP, the Applicant is proposing a gazebo and benches as part of a neighborhood green on Landbay O-2. This facility will be for use by residents of the Property only and does not need to be accessed by public street.

Comment 4: Section 4-110(D) Site Planning-Internal Relationships.

Staff Analysis: Staff notes that the Applicant has added a second connection to the development via Kipheart Drive which crosses open space owned by the Board of Supervisors (BOS). The Applicant has also requested a modification to allow the 212 units to be served by one entrance in the event the BOS will not grant them the land for the connection. In the event the BOS does not allow the 2nd connection, Staff does not support this modification. Furthermore, the Applicant has not demonstrated whether the area to be used for the roadway connection is needed to meet the open space requirement for the adjacent development. Staff continues to question how this modification meets or exceeds the public purpose and improves on the existing regulations. Staff is concerned about pedestrian and vehicular safety and the volume of traffic on Upper Belmont Ridge Place and the adjacent school. In addition, the existing Xerox facility will continue to use Upper Belmont Ridge Place which will present additional traffic volumes. Staff continues to question how one point of access promotes a "front door" character, a pedestrian friendly neighborhood and minimizes the conflict between pedestrian and vehicular movement. Staff defers additional comments to the Office of Transportation Services to determine if the access point on Kipheart Drive would be able to adequately accommodate the traffic from the development and the Xerox Conference Center.

Response: Comment acknowledged. The Applicant has met several times with Staff from the County's Parks, Recreation and Community Services department to discuss a proposed land-swap that would allow the Applicant to acquire the land needed for the road connection (approximately 3,800 SF) and would replace this land with a portion of the NCC property contiguous to the Lansdowne Sports Park. Therefore, no easements would be necessary for the proposed second access and there would be no impact to the level of open space required by adjacent developments.

Comment 5: Section 4-705(B)(1) Lot Requirements, Yards, Adjacent to Roads.

Provision: Except where a greater setback is required by Section 5-900, no building shall be permitted closer than thirty five (35) feet to any road and no parking shall be permitted closer than twenty five (25) feet to the right-of-way from any road. No outdoor storage, areas for collection of refuse, or loading space shall be permitted in such setbacks.

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Request: To modify this Section to allow the guardhouse and associated facilities to be located within 35 feet of any road parking spaces associated with the guardhouse to be located within 25 feet of any road.

Staff Analysis: Previous Comment: Staff questions how this modification meets or exceeds the public purpose or improves upon the existing regulation. The Applicant must demonstrate on the CDP how this modification is implemented in the community design and further demonstrate that the existing Xerox facility, its existing structures and its future above-ground parking garage are in conformance with the request. In addition, the CDP does not show the new location of the guardhouse. The Applicant must demonstrate on the CDP how this modification is implemented into the design of the community to ensure the Zoning Ordinance regulations are met and the proposed development is not creating non-conformities. Comment not resolved.

Response: The NCC currently has a guardhouse located at the northern end of Upper Belmont Place at the southern edge of the NCC property. The Applicant seeks to retain the ability to provide a guardhouse for the NCC, but has not yet determined a specific location for the facility. However, a general location of a future guardhouse has been indicated on the CDP – this facility would not be within the proposed residential community and would solely be used to screen the access of vehicles exiting Road A on to the Conference Center's existing loop road. Although the design and specific location of the facility is not available at this time, the Applicant acknowledges that site plan approval will need to be granted for the use and so compliance with the Zoning Ordinance and the proposed zoning modification will need to be demonstrated.

The Applicant appreciates that the intent of Section 4-705(B)(1) of the Ordinance is to prevent large (and potentially unpleasant or un-neighborly) uses and associated vehicles, that may be permitted by right in the PD-SA district from being constructed close to a road. Such by-right uses may include a hospital, museum, fairground, zoo, sports stadium, bus terminal, sewer pumping station, etc. However, the Applicant is only seeking to provide a small guardhouse, which will be used for security purposes only and will not be located close to any neighboring properties, zoning districts or uses. Further, it is not possible for this type of use to be separated from a road, as visiting vehicles will need to be screened.

The Applicant believes that the proposed modification would improve upon the existing regulation as under the existing Ordinance, guardhouses in PD-SA districts would not be possible.

The existing buildings, parking areas and approved parking areas at the NCC property have all been previously reviewed by Building and Development staff and the necessary site plans have been approved. The proposed parking garage is yet to be designed (although a proposed location is shown on the CDP), but will be constructed in accordance with the requirements of the Zoning Ordinance and subject to review by Building and Development Staff during the site plan review and approval process.

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Comment 6: *Section 4-705(B)(2) Lot Requirements, Yards, Adjacent to Agricultural and Residential Districts.*

Provision: No building, parking, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than one hundred (100) feet to any agricultural district, any existing or planned residential district, or land bay allowing residential uses. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses are visible from the said agricultural and residential areas.

Request: *The Applicant has removed this modification request from the modification list and the CDP.*

Staff Analysis: *The Applicant responded that they do not wish to commit to the design or location of the guard house at this time. As such, Staff is unable to determine if a modification is required or whether the Application will meet this Section of the Zoning Ordinance. In addition, the Applicant has not demonstrated that the existing Xerox facility, its existing structures and its future above-ground parking garage are in conformance with the Zoning Ordinance. In addition, the CDP does not show the new location of the guardhouse. The Applicant must demonstrate on the CDP how a modification is implemented into the design of the community to ensure the Zoning Ordinance regulations are met and the proposed development is not creating non-conformities.*

Response: The NCC currently has a guardhouse located at the northern end of Upper Belmont Place at the southern edge of the NCC property. The Applicant seeks to retain the ability to provide a guardhouse for the NCC, but has not yet determined a specific location for the facility. However, a general location of a future guardhouse has been indicated on the CDP – this facility would not be within the proposed residential community and would solely be used to screen the access of vehicles exiting Road A on to the Conference Center's existing loop road. Although the design and specific location of the facility is not available at this time, the Applicant acknowledges that site plan approval will need to be granted for the use and so compliance with the Zoning Ordinance and the proposed zoning modification will need to be demonstrated.

The Applicant appreciates that the intent of Section 4-705(B)(1) of the Ordinance is to prevent large (and potentially unpleasant or un-neighborly) uses and associated vehicles, that may be permitted by right in the PD-SA district from being constructed close to a road. Such by-right uses may include a hospital, museum, fairground, zoo, sports stadium, bus terminal, sewer pumping station, etc. However, the Applicant is only seeking to provide a small guardhouse, which will be used for security purposes only and will not be located close to any neighboring properties, zoning districts or uses. Further, it is not possible for this type of use to be separated from a road, as visiting vehicles will need to be screened.

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The Applicant believes that the proposed modification would improve upon the existing regulation as under the existing Ordinance, guardhouses in PD-SA districts would not be possible.

The existing buildings, parking areas and approved parking areas at the NCC property have all been previously reviewed by Building and Development staff and the necessary site plans have been approved. The proposed parking garage is yet to be designed (although a proposed location is shown on the CDP), but will be constructed in accordance with the requirements of the Zoning Ordinance and subject to review by Building and Development Staff during the site plan review and approval process.

Comment 7: Section 4-707(D) Use Limitations, Access from Major Roads.

Provision: In designing special activity development, the requirements of Section 5-900 shall be observed.

(1) Primary access shall be prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods.

Request: To permit vehicular traffic associated with the National Conference Center to travel along Upper Belmont Place through the PD-H zoned development.

Staff Analysis: Previous Comment: Staff questions how this modification meets or exceeds the public purpose or improves upon the existing regulation as traffic coming to and from the Xerox facility will be traveling through residential neighborhoods. The Applicant wishes to integrate the National Conference Center with the residential development that surrounds it and weave the conference center into the Lansdowne community. Staff notes that the purpose and intent of the PD-SA zoning district is to keep it separate and distinct from other zoning districts due to the types and intensities of uses allowed in the PD-SA zoning district. Staff is also concerned about pedestrian and vehicular safety due to service vehicles and increased traffic volume traveling to and from the Xerox facility on narrow streets and homes being built closer to the roadways than what is found in a typical Traditional neighborhood. Furthermore, Staff questions how pedestrian and vehicular safety are addressed as only one point of access is proposed with this proposal and a minimum of 2 points of access are required per Section 4-110(D). The Applicant has indicated that they no longer need this modification and that no traffic associated with the Conference Center will travel through the residential community. While the CDP has been redesigned so that the portion of the property containing Road A is retained as PD-SA, Staff notes that Conference Center traffic will use Road A, which will continue to traverse through on Road A which serves as the main roadway serving the residential neighborhood.

Response: The Applicant no longer needs this modification. Road A will be a collector road and will extend Upper Belmont Place to its proposed connection with Kipheart Drive.



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Comment 8: Section 7-903(D) Lot Coverage.

Provision: 60 percent maximum for MF units and 75 percent maximum for SFA units.

Request: Request to allow a maximum of 80 percent lot coverage within the R-16 zoning districts for all multi-family residential lots.

Staff Analysis: Staff notes that the Applicant has removed this modification request from the Application. However, the Zoning Table on Sheet 6 of the CDP must be revised, as the table is missing the reference to the maximum lot coverage of 75 percent for SFA units in the R-16 zoning district.

Response: Comment acknowledged. Please see the revised table on Sheet 6.

Proffers

Comment 1: Proffer Statement Introductory Paragraph. Staff notes that the Proffer Statement does not address how this application affects the current proffers approved with Lansdowne and which proffers will be superseded or retained with this proffer statement. In addition, the second paragraph incorrectly references ZMAP-2005-0038, instead of ZMAP-2007-0004. In addition, Staff recommends this paragraph be clarified to state that a portion of the subject property to the PD-H4 zoning district. Furthermore, this application proposes a second connection through an open space recreation parcel owned by the Board of Supervisors approved with ZCPA-2002-0006. Furthermore, the Applicant has not demonstrated whether the area to be used for the roadway connection is needed to meet the open space requirement and acreage proffered in ZCPA-2002-0006 and whether a ZCPA is needed to reflect changes to tables, CDP and proffers approved with ZCPA-2002-0006.

Response: There are no proffers currently covering the Property. Further, the Applicant does not understand how this application affects the proffers approved for the wider Lansdowne area. Any proffers associated with the residential portion of Lansdowne do not cover the NCC property.

The Applicant is proposing a land-swap to acquire the land necessary for the proposed second access and does not anticipate any changes needing to be made to ZCPA-2002-0006.

Comment 2: Proffer II. Development Scope. Staff recommends that this Proffer specify the number and type of units proposed. In addition, Staff recommends the Applicant clarify what type of unit they are referring to regarding the phrase "single-family attached" units, as there are many single family attached unit types. Furthermore, Staff recommends the words "the Loudoun County Sanitation Authority" be replaced with "Loudoun Water."

Response: Comment acknowledged. Please see the revised draft proffers. The Applicant is proposing SFA units in the form of town homes.

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Comment 3: Proffer III.A. Site Amenities. In addition, to summarize, the proffer states that two tot lots are shown on the CDP. Staff notes the CDP does not show said tot lots. The location of these areas must be shown on the CDP and not at time of site plan or preliminary plan. Furthermore, the timing of construction of the amenities, as stated in the proffer, is "in conjunction with the development of the adjacent residential areas and the construction of the internal streets and necessary infrastructure." This statement is vague and unenforceable and should be triggered at the issuance of a certain number of zoning permits.

Response: Comment acknowledged. Please see the revised CDP, which shows the proposed location for the tot lots. The revised proffers confirm that the first tot lot will be provided prior to the issuance of the 75th residential zoning permit and the second tot lot will be provided prior to the issuance of the 150th residential zoning permit.

Comment 4: Proffer III.B. The Sports-Plex. See previous Comment #12 regarding active recreation space and comments on the Sports-Plex and the permissibility of a community center.

Response: The active recreation areas have been re-tabulated and shown on Sheet 6 of the CDP. The existing Sports-Plex/Community Center building is no longer counted towards active recreation requirements and therefore, it will be utilized as a community center and tabulated as part of the Civic Space requirements of this proposal.

Comment 5: Proffer VI.A. Road A. Staff recommends that this proffer be revised to include language regarding the acquisition, construction, road specifications/ type and other details the County Attorney deems necessary, to obtain a second access point off-site onto Kipheart Drive and their alternative in the event the off-site connection is not granted or permitted.

Response: Comment acknowledged. Please see the revised draft proffers.

Comment 6: Proffer VIII. D. Garage Space Conversion Restriction. Staff recommends this proffer be revised to prohibit all unit types proposed on the property from converting garage space to any other use that would prevent or preclude the use of the garage for the storage of vehicles if garages are used to meet the minimum number of parking spaces required.

Response: Comment acknowledged. Please see the revised Proffer VIII.E.

Comment 7: Proffer IX. Residential/Parking Linkage. Parking for the conference center must be located entirely on the PD-SA zoned portion of the property. The required number of off-street parking spaces for the conference center cannot be located on both the PD-H4 and PD-SA portions of the property. State the current number of parking spaces provided for the National Conference Center and clarify the required number of parking spaces for the National Conference Center and demonstrate that the minimum number of required parking spaces will be available at all times during construction on the PD-SA zoned portion of the property. See Comment #4 for additional comments.



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Response: As suggested by Staff, on January 28, 2009, the Applicant submitted a zoning determination request to the Zoning Administrator seeking the ability to continue the use of the surface parking lot following the rezoning of the Property. The Applicant is awaiting a response to this request. In the meantime, the Applicant has added a zoning modification request to this application to address this issue. The Applicant seeks to modify Section 51103(A) of the Ordinance to allow use of an existing parking facility on a separate lot or parcel more than five hundred (500) feet from the principal entrance of the building lot being served.

Concept Development Plan Issues

Comment 1: The Applicant responded that the application is not proposing any triplex or quadraplex units. However, the table on Sheet 6 still contains Zoning Ordinance references to triplex and quadraplexes. Clarify the table on Sheet 6.

Response: Comment acknowledged. Please see the revised table on Sheet 6. No triplex or quadraplex units are being proposed; the applicant is proposing only town homes as single family attached units.

Comment 2: On Sheet 6 of the CDP, in the Zoning Modification Table, Zoning Modification #2 references Section 3-511(C), which is not a valid Zoning Ordinance section. Revise to state Section 3-511(A).

Response: Comment acknowledged. Please see the revised table on Sheet 6 of the CDP.

Comment 3: Label the street types in the landbays on the CDP to show the type of street that serves the SFA, SFD and multifamily units. Not all streets are labeled.

Response: Comment acknowledged. Please see the revised CDP.

Comment 4: Staff notes that this application proposes SFA (townhouse and duplex), SFD and multifamily units. Staff notes that the CDP still shows numerous Zoning Ordinance references on Sheet 6 of the CDP that are not relevant to this application and which are unnecessary and confusing. Clarify the unit types proposed and remove Zoning Ordinance references for unit types that are not proposed with this application.

Response: Comment acknowledged. Duplex units are no longer being proposed by this application and references to these unit types have been removed from the CDP. The only single family attached units will be town homes.

Comment 5: Note #2 below the Landbay Tabulation Table on Sheet 6 is vague and unenforceable and should be removed from the CDP. In addition, remove Phasing Plan Note #1 on Sheet 6 as a community center is not a permitted use in active recreation space.

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Response: The Applicant has removed the Phasing Plan Note #1 from Sheet 6 of the CDP. The Applicant believes that Note #2 below the Landbay Tabulation Table on Sheet 6 is necessary. Final engineering for the proposed development is yet to be completed and the Applicant requires the ability to make minor amendments to the alignment of landbays and types of uses provided in those landbays so long as the overall density of a particular district is not exceeded. The Applicant considers this to be standard language that is commonly found on Concept Development Plans.

County of Loudoun Parks, Recreation and Community Services

Comment 1: Resolved.

Response: Comment acknowledged and appreciated.

Comment 2: Resolved. Please also see Comments 3 and 5 below.

Response: Comment acknowledged and appreciated.

Comment 3: PRCS appreciates the Applicant's financial commitment towards future open space. Please see New Comment 12 below.

Response: Comment acknowledged and appreciated.

Comment 4: Resolved.

Response: Comment acknowledged and appreciated.

Comment 5: Unresolved. Please see New Comment 13 below.

Response: Please see response to Comment 13 below.

Comment 6: Resolved.

Response: Comment acknowledged and appreciated.

Comment 7: Resolved.

Response: Comment acknowledged and appreciated.

Comment 8: Resolved.

Response: Comment acknowledged and appreciated.

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Comment 9: Resolved.

Response: Comment acknowledged and appreciated.

Comment 10: Unresolved. Staff appreciates the delineation of the athletic fields, pavilions, basketball court, playground and parking lots, but the Lansdowne Sports Park is still not labeled or identified. Staff acknowledges the Adjacent Property Data on Sheet 1, but notes that Parcel 081-45-4849 owned by "L.C. Board of Supervisors" should not be listed as "Vacant." It is an active public park (Lansdowne Sports Park). Please revise sheets 1 and 3 accordingly.

Response: Comment acknowledged. Please see the revised Sheets 1 and 3.

Comment 11: Resolved. Staff is in receipt of the deed and plat for ESMT 2003-0112, which was recorded on February 7, 2005. BLAD 2005-0032, which created the final parcel boundary for Lansdowne Sports Park (prior to dedication to the County) was recorded on July 22, 2005. The BLAD did not show the emergency access easement as an existing condition on the parcel, which was the cause for the confusion.

Response: Comment acknowledged and appreciated.

Comment 12: In regards to previous referral discussion related to Comment 3, Staff recommends Proffer IV.B. Open Space Contribution, be revised to the following:

The Owner shall pay to the County a one-time Open Space Easement Contribution in the amount of four hundred sixty-two and 36/100 Dollars (\$426.36) for each residential unit constructed on the Property ("OSE Contribution"). This OSE Contribution shall be paid prior to or concurrent with the issuance of each residential zoning permit and shall be used by the County to pay for regional recreational facilities or open space easements in the Vicinity of the Property, including but not limited to, improvements at Lansdowne Sports Park, Elizabeth Mills Riverfront Park, Kephart Bridge Landing, Bles Park and Keep Loudoun Beautiful Park.

Response: Comment acknowledged. Please see the revised draft Proffer IV.B.

Comment 13: In regards to previous referral discussion related to Comment 5, PRCS requests a meeting with the Applicant to discuss the proposed second access road through Lansdowne Sports Park. Staff understands and supports the concerns raised by Zoning, Fire and Rescue and Office of Transportation Services Staff to provide a second access point to serve the development. However, this third submission is the first opportunity that PRCS has had to review the proposed entrance through the park, and we request the opportunity to discuss it further with the Applicant. The proposed road will encumber approximately 4800 sq. ft. (3/4 of an acre) of the park, and will bisect the park property.

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Response: Comment acknowledged. The Applicant has appreciated being able to work with Staff to discuss the provision of the proposed second access to the Property.

Loudoun County Sanitation Authority

Comment: Loudoun Water has reviewed the referenced Zoning Map Amendment Petition and offers no objection to its approval.

Should offsite easement be required to extend public water and/or sanitary sewer to this site, the applicant shall be responsible for acquiring such easements and dedicating them to the Authority at no cost to the County or to the Authority. Public water and sanitary sewer service would be contingent upon the developer's compliance with the Loudoun Water's Statement of Policy; Rates, Rules and Regulations; and Design Standards.

Response: Comment acknowledged.

Virginia Department of Transportation (VDOT)

Comment 1: We strongly recommend that the internal streets be designed to be eligible for acceptance into the VDOT system. Therefore, we recommend denial of the zoning modification request to allow private streets with lesser design standards. It appears that most of the private road alignments (except Road E) meet minimum public street standards. The easement widths are less than public right of way widths, providing no width for sidewalks, buffer strips, signage drainage inlets, parallel utilities, etc.

Response: As previously discussed, the provision of private streets will allow narrower roads through the proposed community and allow a more condensed and integrated development. This has a number of benefits. In addition to those previously provided in the Statement of Justification, the provision of private streets will also reduce the amount of impervious surface at the Property and so result in less surface run-off than public roads. Further, the provision of private streets will allow a larger area of open space to be retained around the edges of the Property and assist the retention of existing vegetation in Tree Conservation Areas.

The Applicant is proposing a mix of multi-family, town homes and single family attached units. As Staff is aware, multi-family units and town homes may be accessed by private streets. Given the small size of the proposed neighborhood, the integration of town homes and single family attached units throughout the neighborhood and the proposed grid street network, the proposed modification is necessary to allow a consistent road network.

Finally, the Applicant is proposing streets that will be constructed to County standards, but that will be privately maintained, with no public maintenance requirements.



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Comment 2: Although alleys are not generally required to meet VDOT standards except at their entrances, we note that some of the alley alignments will be difficult for trash trucks, moving vans, etc. to negotiate.

Response: Comment acknowledged. The final detailed alley alignments will be determined at the time of final engineering. All alley alignments will meet FSM requirements.

Comment 3: The proposed zoning modification to allow the guardhouse and related parking within 35' and 25' of a road, respectively, should be clarified. Ensure that there is sufficient stacking space between the guardhouse and the public street for any anticipated queue, and sufficient maneuvering space to allow vehicles turned away at the guardhouse to turn around.

Response: Comment acknowledged. The Applicant's traffic consultant, Gorove/Slade, has confirmed that the proposed guardhouse would need to be setback at least 100 feet from the intersection of the existing NCC loop road with proposed Road A to prevent stacking issues. This setback has been reflected on the CDP. The Applicant is unable to provide a specific layout and design of the guardhouse facility, but during the site plan review and approval process, Staff will have the opportunity to consider the amount of maneuvering space provided for vehicles needing to turn around.

Comment 4: Ensure that proposed tree planting does not obscure safe site distance at intersections and entrances.

Response: Comment acknowledged.

Comment 5: The proposed zoning modification for a single point of access seems needless, as the concept plan depicts the second connection of Road A to Kipheart Drive. Any uncertainty concerning the granting of the short right of way across the county property should be resolved before moving ahead with this project.

Response: The Applicant acknowledges that Staff does not support the proposed zoning modification request, but as discussed during our meeting with Staff, believes that it is for the Board of Supervisors to determine whether it is willing to grant the land-swap discussed with the Parks, Recreation and Community Service department to allow the construction of the proposed second access to the Property.



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I trust that this letter suitably responds to the various issues raised by Staff. Please contact me if you have any additional questions or need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben I. Wales".

Ben I. Wales
Senior Land Use Planner

cc: James Gulson, Oxford Capital Partners, Inc.
Bob Woodruff, William H. Gordon Associates, Inc.
Antonio J. Calabrese, Cooley Godward Kronish LLP

BIW:pam

388038 v3/RE



Ben I. Wales
(703) 456-8609
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September 19, 2008

Ms. Ginny Rowen
Planner
Department of Planning
1 Harrison Street, SE
3rd Floor
Leesburg, VA 20177

Dear Ginny:

This letter constitutes our response to the Staff and Agency second review comments that we have received to date regarding the above-referenced rezoning application. The Staff/Agency comments are addressed below. Each comment is summarized (noted in italics) and followed by our response.

County of Loudoun Department of Building and Development

Comment 1: Section 3-506(C)(3)(a, b, and c) Front, Side and Rear Yard Requirements. The building requirements table on Sheet 5 of the CDP still references three invalid R-8 Sections [Section 3-506(C)(a), 3-506(C)(b) and 3-506(C)(c)] and must be corrected to state [Section 3-506(C)(3)(a), 3-506(C)(3)(b) and 3-506(C)(3)(c)].

Response: Comment acknowledged. The building requirements table on Sheet 6 of the CDP has been revised to reference the correct sections of the Zoning Ordinance.

Comment 2: Section 3-507(E) (1 and 2) Lot Design Requirements. Previous Comment: Demonstrate on the CDP that street trees are planted pursuant to Section 5-1300 at regular spacing and that garages will be setback at least 20 feet behind the front line of buildings. This comment is partially addressed. The Applicant must demonstrate on the CDP that garages will be setback at least 20 feet behind the front line of the building.

Response: Please see Sheet 5 of the CDP, which has been revised to show the locations of streets trees. As confirmed by Note 5 on Sheet 5, the final locations of these trees are subject to revision based on final engineering during the construction plans and profiles stage. However, such trees will be planted in conformance with the requirements of Section 5-1300 of the Zoning Ordinance.

The CDP has been revised to show the proposed layout of lots, private streets and alleys. As confirmed in Note 4 on Sheet 5, all garages will be setback at least 20 feet behind the front line of buildings.

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Comment 3: Section 3-507(F). Minimum Open Space Area. Demonstrate compliance with this Section of the Zoning Ordinance. The CDP on Sheet 4 and the open space calculations table shown on Sheet 5 does not break down the open space calculations to demonstrate that a gross density of one lot per 6,000 square feet is maintained based on the overall parcel acreage in the areas of the property that are administered R-8 Traditional Design Option for single family detached lots.

Response: Comment acknowledged. Please see Sheet 6 of the CDP, which has been revised to show the minimum and proposed amount of open space as defined by Section 3-507(F) of the Zoning Ordinance.

Comment 4: Section 3-507(H)(1) Other Requirements. Demonstrate compliance with this Section. The CDP does not indicate how each landbay is administered as it only states low, medium or high density. This is vague and difficult to enforce. The correct R-District must be specified and the Applicant must show where and how modifications will be used in the design of the community per Section 6-1504. Also, as required by this Section, the road network is not a block or grid design. Revise the CDP accordingly.

Response: Comment acknowledged. Please see the CDP, which has been revised to provide additional detail for the proposed residential development. This additional information and the proposed second access to the Property confirms compliance with Section 3-507(H)(1) of the Zoning Ordinance.

The Applicant believes that the revised road network does incorporate a grid or block design. This design has taken into account natural features existing at the Property.

Comment 5: Section 3-508(B) Building Height. The maximum building height for SFD under this Section is 40 feet, not 35 feet as stated on Sheet 5 of the CDP.

Response: Comment acknowledged. Please see the Sheet 6 of the CDP.

Comment 6: Section 3-509(B) Off-Street Parking. Staff cannot determine whether this application meets the regulations of this Section as the number of required parking spaces for this application was not provided or whether the proposed density/number of units will actually be attainable.

Response: The number of required off-street parking spaces is shown on Sheet 6 of the CDP. The number of parking spaces provided at the Property will comply with Section 5-1100 of the Zoning Ordinance.

Comment 7: Section 3-511 (A) and Section 3-610(A) Development Setback and Access from Major Roads, Private Streets and Section 4-110(B) Private Streets. Previous Comment: The Applicant requested a modification to this Section of the Zoning Ordinance to reduce the required setback from any other road right-of-way to 10 feet on the front and 5 feet on the side. Staff is unclear of what the Applicant is requesting. A setback, by definition in Article 8 of the

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Zoning Ordinance, it is not the same as a required yard. Thus, one figure must be provided, not two figures based on what type of yard is on the lot. A reference to the conditions for using private streets, required by this Section and Section 4-110(B), should be placed on the CDP. See Staff's analysis in the Zoning Modification Section of this referral. In addition, ZOAM-2006-0003 adopted on December 3, 2007 changed how this Section is written. Respond to this comment based upon the new regulation, update the Zoning table on Sheet 5 of the CDP and Staff will re-review on next submission. Staff notes that the Applicant removed their request of a modification to Sections 3-511(A) and 3-610(A). SFD lots served by private streets in the R-8 administered portions of the property must be served by public streets, unless a modification is requested. However, townhouses and multi-family uses only, may be served by private streets without the need of a modification. Thus, other units such as duplex, triplex or quadraplex units must be located on public streets, unless a modification is requested. Also, Staff notes that the Zoning Modifications Matrix on Sheet 5 of the CDP still states that the Applicant is requesting a modification to Sections 3-511(A) and Section 3-610(A). Clarify these issues. Also, Staff is uncertain where SFD will be located on the CDP and whether the SFD lots will have frontage on a public street.

Response: Please see the CDP, which has been revised to provide a greater level of detail for the proposed development. The list of proposed zoning modifications has been updated to reduce the number of modifications being requested. The proposed development will conform with all setback and yard requirements set out in the Zoning Ordinance.

Comment 8: Section 3-608(B). Off Street Parking. Demonstrate compliance with this Section. Also, Staff questions how off-street parking requirements will be met as modifications were requested to reduce the front, side and rear yards of the R-16 zoning district. The Applicant must demonstrate how the modifications will be used in the design of the community on the CDP, while still meeting the off-street parking requirements of Section 5-1100.

Response: As set out above, the Applicant has revised the CDP to show additional detail of the proposed development. Further, the Applicant has revised the list of zoning modifications being requested and is no longer seeking to reduce the front, side or rear yards of units in the R-16 zoning district. As confirmed in Note 4 on Sheet 5, all garages will be setback at least 20 feet behind the front line of buildings.

Comment 9: Section 4-101 Purpose. The Applicant responded that the development is within walking distance to restaurant and retail uses within close proximity and non-supportive uses are not envisioned in this area. The Applicant further responded that retail and restaurant uses would be isolated on the property and would remove patrons for the designated corridors for commercial activity and therefore the provision of non-supportive uses is not required. This is not accurate. The intent of the Planned Development-Housing (PD-H) zoning district is to provide for a variety of single and multifamily housing types in neighborhood settings plus supporting non-residential uses in a planned environment fostering a strong sense of community. It is noted that the Applicant is not proposing any supportive non-residential uses in this planned development. In addition, the Applicant has not demonstrated that the proposed zoning map amendment will not further burden the supportive non-residential uses (i.e. schools,

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parks, libraries, retail stores, etc.) in adjacent communities, by providing data demonstrating that sufficient capacity and adequate facilities are available in these communities. Staff notes the closest retail area is Lansdowne Town Center which is approximately 3/4 of a mile away from this site and is not within easy walking distance for homeowners of this proposed development.

Response: The Applicant appreciates that Section 4-101 of the Zoning Ordinance indicates that PD-H districts should provide supporting non-residential uses in a planned environment that will foster a strong sense of community. However, the Applicant believes that the proposed residential units will be an appropriate extension of the wider Lansdowne community and will both contribute non-residential open space and active recreation uses to the wider community and take advantage of existing retail and service uses.

In terms of the potential for impact to existing schools, parks and libraries, the proposed draft proffers include a per unit capital facilities contribution and a per unit open space contribution. The proposed open space contribution will help supplement the extensive areas of open space proposed as part of the application.

Comment 10: Section 4-103 Timing of Development. Previous Comment: The Applicant needs to address the timing of development criteria in their written Statement of Justification. Notes 1 and 2, under the Phasing Plan heading on Sheet 5 of the CDP are vague and do not address the regulations of this Section. This comment has not been satisfactorily addressed. The Applicant states that 727 parking spaces for the PD-SA zoned portion of the property were approved with STPL-2005-0027 and a proffer was drafted requiring these spaces be in place prior to commencing construction activities. State the required and existing number of parking spaces provided for the National Conference Center and demonstrate that the required parking spaces will be available at all times during construction on the PD-SA zoned portion of the property.

Response: As discussed in the Statement of Justification, the Applicant anticipates that at the earliest, construction of residential units will commence in 2011. In the current market, it is further anticipated that no more than 50 residential units would be constructed each year from 2011 to 2015.

The Conference Center generates a need for 951 parking spaces. The Applicant intends to develop a parking garage to replace the need for the existing parking spaces on the proposed PD-H portion of the Property. There is currently 425 parking spaces serving the Conference Center outside of the proposed PD-H district and site plan approval has been granted for a further 528 surface parking spaces. Instead of developing these surface parking spaces only for them to be removed once the parking garage is developed, the Applicant seeks the ability to continue to use the existing surface parking space (within the PD-H district) until the proposed residential properties are developed. The ability to use the existing surface parking spaces is addressed in the revised draft proffers.

Comment 11: Section 4-104(A) Maximum Net Residential Density. Demonstrate compliance with this Section as the ADU and density tables on Sheet 5 are not clear.

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Response: Comment acknowledged. The tables on Sheet 6 of the revised CDP have been updated to address Staff's comments.

Comment 12: Section 4-109(A). Site Planning-External Relationships. Demonstrate compliance with this Section. The Applicant stated that the current development proposal reduces the number of daily trips from the previous proposal. Staff questions whether the traffic study compared the current use of the property as a conference center to the proposed use and questions whether the number of trips will increase as a result of the PD-H development. Staff defers to the Transportation Department on this issue.

Response: Comment acknowledged. As shown in the revised CDP, the Applicant has revised the CDP to propose a second access to the Property. As discussed in the revised Statement of Justification, the provision of this second access would require the granting of access over land owned by the Board of Supervisors and the granting of all necessary construction easements. Said easements would need to be conveyed within 6 months of date of approval of this rezoning application. In the event that the Board of Supervisors is not willing to allow access over its land, the Applicant will have to rely on a zoning modification to allow the Property to be served by only one access. The Applicant has addressed comments received from OTS elsewhere in this letter.

Comment 13: Section 4-109(E). Height limitations at edges of PD-H districts. Staff notes that the height at the edges of the PD-H district is limited to an imaginary plane leaning inward from the district boundary at an angle representing an increase in height of one foot for every one foot of horizontal distance perpendicular to the district boundary. The Applicant must provide the building height of proposed units so that Staff can verify if the building heights proposed on the lots require a modification of this Section. Staff will respond to this comment after resubmission. The CDP does not contain enough information to determine whether this Section of the Zoning Ordinance has been met. Staff also notes that the Applicant has requested a modification to Section 4-109(E) to allow a building height increase for multi-family units without additional setbacks from the adjoining district boundary. The Applicant has not indicated which landbays this modification is applicable or demonstrated how having no additional setback while allowing buildings to be at their maximum height exceeds upon the existing zoning regulation. Also, the Applicant must demonstrate how this modification is used in the design of the community.

Response: Comment acknowledged. The proposed building heights will conform with the provisions of the Zoning Ordinance as set out on Sheet 6. The Applicant is no longer seeking a modification of Section 4-109(E) of the Zoning Ordinance.

Comment 14: Section 4-110(C) Site Planning-Internal Relationships. Demonstrate compliance with this Section. Although Streets "A" and "B" are now public streets, the Applicant has not demonstrated that the street layout of the community discourages outside or through traffic on minor streets traveling to and from the Xerox facility.

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Response: Please see Sheet 4 of the revised CDP, which addresses Staff's concerns. No Conference Center traffic will use Road B (shown on the CDP).

Comment 15: Section 4-110(F) Ways for pedestrians; use by emergency or service vehicles. Previous Comment: Demonstrate compliance with this Section. Staff questions how the Applicant is meeting the regulations of this Section as there is only one point of access to the development, which will be shared by Xerox facility traffic, an elementary school off of Upper Belmont Ridge Place and the development proposed with this application. Staff is concerned that accessways used by children going to the school or other destinations is not safeguarded against automotive traffic. Staff notes that the Applicant has added additional sidewalks to the development to allow better pedestrian access, which Staff supports. However, Staff still questions how the regulations of this Section are met as there is only one point of access to the development, which will be shared by Xerox facility traffic, an elementary school off of Upper Belmont Ridge Place and the development proposed with this application. In addition, Sheet 3, Note #2, Sheet 4, Note #2, Sheet 6, Notes #4 and #6 and Sheets 7 and 8 state additional roads, alleyways, and landbays may be added as necessary to provide lot frontage, lot access and/or to address final engineering subdivision layout and market conditions. These notes are vague and unenforceable and must be removed as the Applicant must demonstrate on the CDP that the Zoning Ordinance regulations will be met and individual subareas must be identified so the CDP can be judged for its superiority to other forms of development and compare future development to it for consistency.

Response: Comment acknowledged. Please see Sheet 4 of the revised CDP, which proposes a second entrance onto the Property from Kipheart Drive to the north west and shows private street connections through the proposed residential community. This second access will facilitate access through and out of Lansdowne and will provide improved access to the Belmont Ridge Middle School from the surrounding community. The note previously included on Sheet 3 of the CDP permitting the provision of additional roads and alleys have been removed.

Comment 16: Section 4-110(G) Protection of visibility-cyclists and pedestrians. Provide sidewalks and/or trails on both sides of the private streets so that pedestrians will have access to and from open space areas, on-site active recreation areas and connections outside the community. Staff notes that the Applicant has added sidewalks to both sides of public and private streets, however, Sheet 3, Note #2 and Sheet 6, Notes #4 and #6 state additional roads, alleyways, and landbays may be added as necessary to provide lot frontage, lot access and/or to address final engineering subdivision layout and market conditions. These notes are vague and unenforceable and must be removed as the Applicant must demonstrate on the CDP that the Zoning Ordinance regulations will be met and individual subareas must be identified so the CDP can be judged for its superiority to other forms of development and compare future development to it for consistency.

Response: Comment acknowledged. The Applicant has shown sidewalks on both sides of public and private streets. The notes referenced by Staff have been removed from the CDP and private streets and alleys have been shown. The proposed second access to the Property will

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improve pedestrian connection to and from the Property and to the Belmont Ridge Middle School from the surrounding community.

Comment 17: Section 4-110(I) Site Planning-Internal Relationships-Uses adjacent to single-family residential, or agricultural and residential districts or land bays allowing residential uses. This Section requires that a 50 foot permanent open space Type II buffer be provided when residential uses in a PD-H zoning district adjoin a single-family residential, agricultural, or residential development or land bay allowing residential uses, and shall provide either single family lots of at least 20,000 square feet, exclusive of major floodplain on the perimeter or a permanent open space buffer along such perimeter at least 50 feet in width, landscaped with a Type II buffer yard. Staff notes that there are no internal buffer yards shown with this development on the CDP and the Applicant has requested a modification to eliminate the internal buffer yard between residential uses. The Applicant has not demonstrated how this modification is innovative in its design on the CDP or how it meets or exceeds the public purpose of the existing zoning regulation or how it is used in the design, as required by Section 6-1504.

Response: Comment acknowledged. As set out in the revised Statement of Justification, the Applicant is requesting a modification of Section 4-110(I) of the Zoning Ordinance.

Comment 18: Section 4-111(A) Site Planning-Internal Relationships-Open Space. Staff notes that the Applicant has identified the open space landbays on the CDP and has stated that the existing Sports-Plex will be utilized to meet the required active recreation open space requirements of the Zoning Ordinance. The proposed active recreation area is not centrally located within the community amongst the residential units. In addition, the Applicant has provided no size or description of amenities to demonstrate that they meet the Article 8 Zoning Ordinance definition of "recreation space, active." In addition, Note #5 in the active recreation table on Sheet 5 states that the maximum active recreation area required may be determined upon determination of ADUs at site plan/preliminary subdivision. In accordance with the R-8 and R-16 District ADU regulations of Section 7-800 and Section 7-900, the CDP must delineate the minimum required active recreation open space and cannot be altered or adjusted at the time of site plan or preliminary plan. Furthermore, it is not clear whether the active recreation area (i.e. SportsPlex) will continue to be owned and utilized by the Xerox Conference Center. If the Sports-Plex will be utilized by the PD-H development and owned and utilized by the Xerox Conference Center, as opposed to an HOA, the Applicant must address how these facilities will be shared and assurances that they will be available and accessible to residents.

Response: The Applicant acknowledges that the Sports-Plex is not central to the proposed residential development. However, this will be an excellent facility for residents of the Property and for Lansdowne as a whole; it would be nonsensical for this important use not to count towards active recreation space because it is not located in the center to the proposed development.

The facilities available at the Sports-Plex include six tennis/multi-use courts, a 25 ft swimming lap pool, two basketball courts, a sand volleyball court, one squash court, three racquetball

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courts, a multi-purpose gymnasium and changing facilities and lockers. The Applicant notes that the Zoning Ordinance defines active recreation open space as "to include, but not to be limited to, such uses as ballfields, multi-purpose courts, swimming pools, tennis courts..." and as such, believes the uses provided at the Sports-Plex fall within the definition of active recreation space.

As confirmed in the revised draft Proffers, the Sports-Plex shall be available for use by future residents of the Property. The facility shall also continue to be used by guests of the Conference Center.

The Applicant has met with the Lansdowne on the Potomac Homeowners Association's ("Lansdowne HOA") Board of Directors to discuss a possible conveyance of the Sports-Plex to the Lansdowne HOA. This conveyance is discussed in the revised Statement of Justification. Any such agreement would include the annexation of the Property into the Lansdowne HOA.

Comment 19: Section 4-702 PD-SA Size and Location. Staff notes that purpose and intent of the PD-SA zoning district is to keep it separate and distinct from other zoning districts based upon the type of uses allowed in the PD-SA zoning district. Due to the nature of the uses in a PD-SA zoning district, they should be separated from residential uses. Staff also notes that this application will change the acreage, landbay tabulations, tables and layout of PD-SA zoned land on the Lansdowne zoning map amendment (ZMAP-1994-0001) and its subsequent ZCPAs and Staff recommends the Lansdowne plans be updated.

Response: The Applicant appreciates that the PD-SA district uses should be separated from residential uses, but notes that the conference center was the first use developed in this portion of Lansdowne and that parcels surrounding the Property have subsequently been rezoned and developed for residential uses. The Applicant is proposing a substantial buffer between the existing conference center use and proposed residential units.

Comment 20: Section 4-707(B). Landscaped Open Space. Demonstrate compliance with this Section.

Response: Comment acknowledged. Please see the revised Sheet 6 of the CDP, which confirms that the PD-SA district will retain the appropriate level of open space.

Comment 21: Section 5-1100 Off-Street Parking and Loading Requirements. Previous Comment: This Section requires that 3.0 parking spaces per single family attached, except that at least .5 spaces/unit will be accommodated by off lot parking spaces and 3.0 parking spaces per single family detached dwelling units be provided on the property. This calculation was not provided on the CDP. Driveway and garage spaces count toward required parking spaces. In addition, the Applicant must provide a breakdown of the number and type of multifamily units, as the off-street parking requirements are based off of the number of bedrooms. Once this data is provided, Staff can verify if the required off-street parking requirements are met. The Applicant has not provided a parking tabulation table on the CDP demonstrating that they can meet off-street parking requirements. The statement on Sheet 6 of the CDP, which states that parking

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will be provided pursuant to Section 5-1100, is not sufficient. In addition, Staff notes that this application proposes to rezone a portion of the PD-SA zoning district where the existing parking for the Xerox facility is located. Explain how the off-street parking for the Xerox facility will be accommodated and the timing of construction as it relates to this application. Comment not addressed.

Response: Comment acknowledged. Please see the revised Sheet 6 of the CDP, which demonstrates the number of on and off-site parking spaces generated by the proposed residential uses.

As discussed above, 951 parking spaces are generated by the Conference Center use. The Applicant intends to develop a parking garage to replace the need for the existing parking spaces on the proposed PD-H portion of the Property. There is currently 425 parking spaces serving the Conference Center outside of the proposed PD-H district and site plan approval has been granted for a further 528 surface parking spaces. Instead of developing these surface parking spaces only for them to be removed once the parking garage is developed, the Applicant seeks the ability to continue to use the existing surface parking space (within the PD-H district) until the proposed residential properties are developed. The ability to use the existing surface parking spaces is addressed in the revised draft proffers.

Comment 22: Section 5-1400 Buffer Yards. A minimum Type III buffer yard is required between the National Conference Center (Group 7 use) and the SFA/SFD (Group 1 and 2 uses). The revised CDP did not illustrate the required Type III buffer yard.

Response: Comment acknowledged. Please see Sheet 4 of the revised CDP, which shows the required buffer yard.

Comment 23: Section 5-1508 Steep Slopes. Staff notes that portions of the property contain moderately steep (slopes 15%-25%) and very steep slopes (slopes greater than 25%) and are subject to the regulations listed therein. The CDP does not show the location of moderately steep and very steep slopes. Accurately illustrate moderately steep and very steep slopes on the CDP based on 2-foot topography with the proposed lot layout. Also Sheets 2 and 7, which are not proffered, appear to show steep slope areas, however, Sheet 2 is difficult to read and Sheet 7 has no legend.

Response: Comment acknowledged. Please see the CDP, which has been revised to show the appropriate legend on Sheet 8. The Applicant has included existing conditions on Sheet 2 of the CDP and the existing conditions and CDP shown on Sheet 8. As confirmed in the draft Proffers, the proposed development will be developed in substantial conformance with both of these Sheets.

Comment 24: Section 6-1508 Contents of an approved Concept Development Plan. This Section lists the required provisions and materials to be shown on a CDP. The Applicant has provided a table on Sheet 5 which gives a breakdown of how many units will be located within each land bay. However, Staff is unable to determine whether the number units proposed for

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each landbay will meet the requirements of the Zoning Ordinance, as no lot layout, required yards, or road layout within landbays has been provided. Sheets 7-10 are only an illustrative concept of the proposal. The CDP contains insufficient detail to judge the superiority of this proposal over other forms of development. In addition, indicate on the CDP how each particular landbay is administered and which development design option each landbay is developed under (i.e. R-8, R-16, traditional vs. suburban), as opposed to stating medium or high density, as this language is vague.

Response: Comment acknowledged. Please see the Sheets 4 and 5 of the revised CDP.

Comment 25: Section 7-103(A) and (B). Affordable Dwelling Unit Adjustments, SFD, SFA and Multi-Family Units. The ADU table on Sheet 5 does not provide the information previously requested. Staff notes that a note under the ADU Table on Sheet 5 of the CDP states that ADUs will be calculated and distributed pursuant to Article 7 of the Zoning Ordinance. Provide a table on the CDP, demonstrating compliance with the percentage of ADUs required with this application and the actual number provided.

Response: Comment acknowledged. Please see Sheet 6 of the revised CDP.

Comment 26: Section 7-803 and 7-903 Lot and Building Requirements. Previous Comment: Pursuant to this Section, the lot, building setback and access requirements for ADUs shall be the same for other lots within the development, whether it is a suburban or traditional design option in the R-8 and R-16 districts. Demonstrate compliance with these Sections by providing a lot layout on the CDP. Comment remains outstanding. The CDP lacks sufficient detail as no typical details were provided which demonstrates how the modifications requested will be implemented into the design of the lots so Staff can judge the current proposal against other forms of development and to determine whether the Zoning Ordinance regulations are met. The Illustrative Plans (Sheets 7-10) are not proffered and provide no assurance that Zoning Ordinance regulations will be met.

Response: Comment acknowledged. Please see the revised CDP, which includes additional detail. The Applicant is no longer requesting modifications to setback or yard requirements.

Comment 27: Section 7-803(C)(2)(b) Single Family Attached Yards, Rear. (Traditional Design). The Applicant stated in their response letter that they removed their request to modify this Section. However, this Section is still shown in the modification matrix on the CDP, Sheet 5. Clarify this discrepancy.

Response: Comment acknowledged. Please see the revised CDP. The Applicant is no longer requesting this modification.

Comment 28: Section 7-803(D) Lot Coverage. Previous Comment: For the R-8 ADU development option, the maximum lot coverage for SFD units is 50 percent, 60 percent for MF units and 75 percent for SFA units. Revise the Zoning Tabulations Table on Sheet 5 accordingly. Comment not addressed.

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Response: Comment acknowledged. Please see the revised zoning tabulations on Sheet 6 of the CDP.

Comment 29: Section 7-803(E) Active Recreation Space. Staff notes that the Applicant has revised their CDP to incorporate the existing National Conference Center Sports-Plex into their application so that it may be used to meet the active recreation regulations of this Section and Section 7-903(E). Staff notes the proposed active recreation area is not centrally located within the community amongst the residential units. In addition, the Applicant has provided no size or description of amenities to demonstrate that they meet the Article 8 Zoning Ordinance definition of "recreation space, active." Staff notes that the area proposed to be utilized for active recreation uses is not configured in a square or green space in the community. In addition, Note #5 in the active recreation table on Sheet 5 states that the maximum active recreation area required may be determined upon determination of ADUs at site plan/preliminary subdivision. In accordance with the R-8 and R-16 District ADU regulations of Section 7-800 and Section 7-900, the CDP must delineate the location of active recreation space and demonstrate that the minimum required active recreation open space is provided, as it cannot be altered or adjusted at the time of site plan or preliminary plan. Furthermore, it is not clear whether the active recreation area (i.e. SportsPlex) will continue to be owned and utilized by the Xerox Conference Center. If the Sports-Plex will be utilized by the PD-H development and owned and utilized by the Xerox Conference Center, as opposed to an HOA, the Applicant must address how these facilities will be shared and assurances that they will be available and accessible to residents.

Response: The Applicant acknowledges that the Sports-Plex is not central to the proposed residential development. However, this will be an excellent facility for residents of the Property; it would be nonsensical for this important use not to count towards active recreation space because it is not located in the center to the proposed development.

The facilities available at the Sports-Plex include six tennis/multi-use courts, a 25 ft swimming lap pool, two basketball courts, a sand volleyball court, one squash court, three racquetball courts, a multi-purpose gymnasium and changing facilities and lockers. The Applicant notes that the Zoning Ordinance defines active recreation open space as "to include, but not to be limited to, such uses as ballfields, multi-purpose courts, swimming pools, tennis courts..." and as such, believes the uses provided at the Sports-Plex fall within the definition of active recreation space. The proposed level of active recreation space proposed at the Property is set out on Sheet 6 of the CDP.

As confirmed in the revised draft Proffers, the Sports-Plex shall be available for use by future residents of the Property. The facility shall also continue to be used by guests of the Conference Center.

The Applicant has met with the Lansdowne on the Potomac Homeowners Association's ("Lansdowne HOA") Board of Directors to discuss a possible conveyance of the Sports-Plex to the Lansdowne HOA. This conveyance is discussed in the revised Statement of Justification. Any such agreement would include the annexation of the Property into the Lansdowne HOA.

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Comment 30: Section 7-903(E) Active Recreation Space. Staff notes that the Applicant has revised their CDP to incorporate the existing National Conference Center Sports-Plex into their application so that it may be used to meet the active recreation regulations of this Section and Section 7-803(E). Staff notes the proposed active recreation area is not centrally located within the community amongst the residential units. In addition, the Applicant has provided no size or description of amenities to demonstrate that they meet the Article 8 Zoning Ordinance definition of "recreation space, active." Furthermore, a community center is not a permitted use in active recreation space. Staff notes that the area proposed to be utilized for active recreation uses is not configured in a square or green space in the community. There are numerous notes on the CDP and other Sheets (i.e. Note #5) and the active recreation table on Sheet 5 which state that the maximum active recreation area required may be determined upon determination of ADUs at site plan/preliminary subdivision. In accordance with the R-8 and R-16 District ADU regulations of Section 7-800 and Section 7-900, the CDP must delineate the location of active recreation space and demonstrate that the minimum required active recreation open space is provided, as it cannot be altered or adjusted at the time of site plan or preliminary plan. Furthermore, it is not clear whether the active recreation area (i.e. Sports-Plex) will continue to be utilized by the Xerox Conference Center. If the Sports-Plex will be utilized by the PD-H development and the Xerox Conference Center, the Applicant must address how these facilities will be shared and assurances that they will be available and accessible to residents.

Response: Please see the response provided to the previous Staff comment.

Zoning Map Amendment Consideration Items

Comment 1: Section 6-1211(E) (Item 3). Regarding Item 3, the Applicant states that the proposed residential use is "perfectly compatible" with three adjacent residential properties. Staff still questions how this application integrates itself into the Lansdowne community. Staff is also concerned that the proposal is not compatible with the adjacent PD-SA zoning district, as the intent of the PD-SA zoning district is to keep it separate due to the large scale nature of the uses allowed in the PD-SA zoning district. In addition, Staff notes that the second point of access for this proposed development, required pursuant to Section 4-110(D), has not been provided with all traffic from the Xerox facility and the proposed development using only one point of access. Thus, Staff questions how this proposal integrates itself into the Lansdowne community in a safe, convenient manner. Staff notes that the Applicant has proffered contributions toward capital facilities. Staff defers to the Capital Facilities Planner to comment on whether these contributions are adequate. Furthermore, the Applicant's response states that the development proposes a 50-foot setback from the PD-SA zoning district line for all residential uses. Staff notes that this setback is not shown on the CDP.

Response: As shown on the CDP, the proposal has been revised to include a second point of access and egress, which will increase the integration of the proposed residential buildings into the surrounding Lansdowne Community. Further, the Applicant has met with the Lansdowne HOA's Board of Directors with a view to arranging for the future residents of the Property being accepted into the surrounding Community.

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As shown on the revised CDP, a substantial buffer yard, consisting of mature vegetation, will separate the existing PD-SA district from the proposed PD-H district. The Applicant believes that this proposed buffering of the PD-SA district, as required by the Zoning Ordinance will be consistent with the buffer yards between the Conference Center property and surrounding the surrounding Lansdowne Community.

As shown on the revised CDP, the Applicant is proposing a second entrance to the Property. This second entrance will connect the Property with Kipheart Drive to the north west.

Comment 2: Section 6-1211(E) (Item 6). Previous Comment: Regarding Item 6, Staff notes that a large portion of the site contains floodplain and hydric soils. Confirm whether a detailed soils report of the property has been submitted for the development of the property due to the presence of these sensitive environmental features. Staff defers to the Environmental Review Team for further comments on this issue. Comment not addressed.

Response: A detailed soils report for the Property will be submitted as part of the preliminary subdivision plan.

Comment 3: Section 6-1211(E) (Item 7). Staff questions whether this application meets the criteria of this Section. Ingress and egress from the Xerox facility will travel through the proposed residential neighborhood from one point of access. Staff notes that Zoning Ordinance requires at least 2 access points per Section 4-110(D). Due to the nature of PD-SA uses, traffic volume, and safety issues for pedestrians and motorists, through traffic in residential neighborhoods shall be avoided. Staff also notes that the application is adjacent to an existing school and questions whether adequate safety measures are available due to the amount of traffic using one point of access. Address the timing of construction for this application, including road improvements, construction of the parking garage for the Xerox facility as this application proposes to remove the parking lot for the Xerox facility. Explain where the required parking for the Xerox facility will be located.

Response: As discussed above, the application has been revised to propose a second entrance to the Property. The Applicant proposes that all traffic for the Conference Center will travel along the western and northern boundaries of the Property; no Conference Center traffic will pass through the proposed residential community. The Applicant believes that the addition of a second access will assist both vehicular and pedestrian access to the Belmont Ridge Middle School from portions of the Lansdowne community to the north of the Property.

As discussed above, 951 parking spaces are generated by the Conference Center use. The Applicant intends to develop a parking garage to replace the need for the existing parking spaces on the proposed PD-H portion of the Property. There is currently 425 parking spaces serving the Conference Center outside of the proposed PD-H district and site plan approval has been granted for a further 528 surface parking spaces. Instead of developing these surface parking spaces only for them to be removed once the parking garage is developed, the Applicant seeks the ability to continue to use the existing surface parking space (within the PD-



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H district) until the proposed residential properties are developed. The ability to use the existing surface parking spaces is addressed in the revised draft proffers.

Modifications

Comment 1: Section 1-205(A) Lot Access Requirements.

Provision: No structure requiring a building permit shall be erected upon any lot which does not have frontage on a Class I, Class II, Class III road, or private access easement as specified in the individual district regulations, except as specifically provided for herein and the Land Subdivision and Development Ordinance (LSDO).

Request: To permit access to single family detached units via private streets.

Staff Analysis: Staff continues to question how providing units that front on public streets creates pocket communities and preclude a close-knit community when Traditional design concepts and a sense of community can be achieved by using public streets in the R-8 and R-16 zoning districts. The Applicant states that this modification applies to all single-family detached units. However, the Applicant needs to identify all road types on the CDP (i.e. alley, private street, public street) and indicate in which landbay(s) this modification will apply.

Response: The Applicant is no longer requesting a modification of this section of the Zoning Ordinance.

Comment 2: Section 3-511(A) Lot Requirements Development Setback and Access From Major Roads.

Provision: In designing residential development, the requirements of Section 5-900 shall be observed.

(A) Private Streets. Roads, serving townhouse and multifamily uses only, may be designed and constructed to private streets standards set forth in the Facilities Standards Manual, provided the following conditions are met.

Request: To permit uniform front, side and rear yards of 10 feet, 5 feet and 15 feet, respectively, for single family detached dwelling units in the R-8 and R-16 zoning districts.

Staff Analysis: The Applicant stated in their response letter that they removed this modification request from their application. However, the Rezoning Application Modification Matrix Table on Sheet 5 lists Section 3-511(A) as a Section to be modified. Please clarify. In addition, Staff notes that the Applicant requested a modification to Section 1-205(A) to apply to all single-family detached units. If the Applicant intends to have single family detached units served by private streets, a modification of Section 3-511(A) is required. Staff can support this modification of allowing setbacks to be consistent with ADU front yard requirements provided the Applicant demonstrates the modification request meets or exceeds the public purpose or improves upon

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the existing regulation. However, Staff remains concerned that this decreased setback leaves inadequate space for required off-street parking in driveways and garages on single family attached and single-family detached lots. Also, the Applicant has not demonstrated how this modification will be implemented on the CDP.

Response: The Applicant is no longer requesting a modification of this section of the Zoning Ordinance.

Comment 3: Section 3-607(B) Building Height.

Provision: This section allows multi-family structures to be erected to a maximum of 55 feet if it is setback from streets or lot lines from the yard line a distance of not less than 1 foot for each 1 foot of height that exceeds 45 feet and a 45 foot maximum for SFA units.

Request: To permit multi-family units to be at least 60 feet in height with no additional setback.

Staff Analysis: The Applicant's justification for this modification states this modification will allow aesthetically pleasing architectural features in its design of multi-family structures and allow for the customer demand for higher ceilings, open floor plans, larger windows, allow more interesting front elevations and permit podium parking. Staff believes that this justification does not meet the Zoning Ordinance modification criteria. Staff questions how these features are an innovative design or improves upon the existing regulations. Also, explain where this modification will apply (i.e. landbays) and illustrate on the CDP.

Response: The Applicant is no longer requesting a modification of this section of the Zoning Ordinance.

Comment 4: Section 3-610(A) Development Setback and Access From Major Roads.

Provision: In designing residential development, the requirements of Section 5-900 shall be observed.

(A) Private Streets. Roads, serving townhouse and multifamily uses only, may be designed and constructed to private streets standards set forth in the Facilities Standards Manual, provided the following conditions are met.....

Request: To permit uniform front, side and rear yards of 10 feet, 5 feet and 15 feet, respectively, for single family detached dwelling units in the R-8 and R-16 zoning districts.

Staff Analysis: The Applicant stated in their response letter that they removed this modification request from their application. However, the Rezoning Application Modification Matrix Table on Sheet 5 lists Section 3-610(A) as a Section to be modified. In addition, Staff notes that the Applicant requested a modification to Section 1-205(A) to apply to all single-family detached units. Staff can support this modification of allowing setbacks to be consistent with ADU front yard requirements provided the Applicant demonstrates the modification request meets or exceeds the public purpose or improves upon the existing regulation. However, Staff remains

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concerned that this decreased setback leaves inadequate space for required off-street parking in driveways and garages on multi-family, single family attached and single-family detached lots. Also, the Applicant has not demonstrated how this modification will be implemented on the CDP. Also, Staff questions how placing tall buildings, such as multifamily units, closer together and closer to the street fosters community interaction as this can be achieved under the current zoning regulations.

Response: The Applicant is no longer requesting a modification of this section of the Zoning Ordinance.

Comment 5: Section 4-110(B) Site Planning-Internal Relationships.

Provision: All arterial and collector streets serving a PD-H District, and all streets of any size serving residential (except townhouse and multifamily), commercial, office, institutional and industrial uses within a PD-H district, shall be designed and constructed to VDOT standards for inclusion in the state highway system. Roads serving townhouse and multifamily uses only may be designed and constructed to private streets standards set forth in the Facilities Standards Manual, provided the following conditions are met...

Request: To permit access to single family detached and single family attached duplex units via private streets.

Staff Analysis: The Applicant indicated that public streets preclude close-knit communities and create pocket communities. Staff questions how providing SFD and duplex units that front on public streets creates pocket communities and preclude a close-knit community when Traditional design concepts can be achieved by using public streets in the R-8 and R-16 zoning districts. However, the Applicant needs to identify all road types on the CDP (i.e. alley, private street, public street) and indicate in which landbay(s) this modification will apply. The CDP does not contain enough information for Staff to judge its superiority over other forms of development or to determine how traffic/pedestrian safety is achieved. According to the CDP, the Applicant appears to be proposing triplex and quadraplex units. Staff notes these units must be served by public streets unless a modification is requested.

Response: Comment acknowledged. Please see Sheet 4 of the revised CDP, which provides additional detail concerning the proposal. The Applicant is not proposing triplex and quadraplex units as part of this application.

Comment 6: Section 4-110(D) Site Planning-Internal Relationships.

Provision: Vehicular access to public streets, from off-street parking and service areas serving less than eighty (80) dwelling units, may be directly to the street via a single point of access. Vehicular access, from off street parking and service areas serving eighty (80) or more units, shall require two (2) or more points of access. Determination of number of the actual dwelling units served shall be based on normal routing of traffic anticipated in the development.

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Request: *To modify this Section to permit more than 79 dwelling units to be served by one point of access.*

Staff Analysis: *Staff is uncertain as to what the Applicant is requesting with this modification as they have requested 79 units to be served by one point of access, however, the Applicant is proposing 216 units with this development with only one access point. This Section requires two or more points of access with this application. Staff questions how this modification meets or exceeds the public purpose and improves on the existing regulations. Staff is concerned about pedestrian and vehicular safety and the volume of traffic on Upper Belmont Ridge Place and the adjacent school. In addition, the existing Xerox facility will continue to use Upper Belmont Ridge Place which will present additional traffic volumes. Staff continues to question how one point of access promotes a "front door" character and a pedestrian friendly neighborhood. Staff defers additional comments to the Office of Transportation Services.*

Response: The Applicant has revised the CDP to propose a second access to the Property. However, the provision of this access will require the granting of an access easement by the Board of Supervisors. Should the Board of Supervisors be unwilling to grant this easement, the Applicant would need this requested modification to allow 212 residential units to be served by a single point of access.

Comment 7: *Section 4-705(B)(1) Lot Requirements, Yards, Adjacent to Roads.*

Provision: *Except where a greater setback is required by Section 5-900, no building shall be permitted closer than thirty five (35) feet to any road and no parking shall be permitted closer than twenty five (25) feet to the right-of-way from any road. No outdoor storage, areas for collection of refuse, or loading space shall be permitted in such setbacks.*

Request: *To modify this Section to allow the guardhouse and associated facilities to be located within 25 feet of any right-of-way, residential uses, or other non-residential uses.*

Staff Analysis: *Staff questions how this modification meets or exceeds the public purpose or improves upon the existing regulation. The Applicant must demonstrate on the CDP how this modification is implemented in the community design and further demonstrate that the existing Xerox facility, its existing structures and its future above-ground parking garage are in conformance with the request. In addition, the CDP does not show the new location of the guardhouse. The Applicant must demonstrate on the CDP how this modification is implemented into the design of the community to ensure the Zoning Ordinance regulations are met and the proposed development is not creating non-conformities.*

Response: The Applicant has not determined the specific location for a replacement guard facility, but the facility will need to be relocated onto the remaining PD-SA portion of the Property. The Applicant does not wish to commit to the design or location of the guard house at this time.

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Comment 8: Section 4-705(B)(2) Lot Requirements, Yards, Adjacent to Agricultural and Residential Districts.

Provision: No building, parking, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than one hundred (100) feet to any agricultural district, any existing or planned residential district, or land bay allowing residential uses. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses are visible from the said agricultural and residential areas.

Request: To modify this Section to allow the guardhouse and associated facilities to be located within 25 feet of any right-of-way, residential uses, or other non-residential uses.

Staff Analysis: Staff questions how this modification meets or exceeds the public purpose or improves upon the existing regulation. The Applicant must demonstrate on the CDP how this modification is implemented in the community design and further demonstrate that the existing Xerox facility, its existing structures and its future above-ground parking garage are in conformance with the request. In addition, the CDP does not show the new location of the guardhouse. The Applicant must demonstrate on the CDP how this modification is implemented into the design of the community to ensure the Zoning Ordinance regulations are met and the proposed development is not creating non-conformities.

Response: The Applicant has not determined the specific location for a replacement guard facility, but the facility will need to be relocated onto the remaining PD-SA portion of the Property. The Applicant does not wish to commit to the design or location of the guard house at this time.

Comment 9: Section 4-707(D)(3) Use Limitations, Access from Major Roads.

Provision: In designing special activity development, the requirements of Section 5-900 shall be observed.

(1) Primary access shall be prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods.

Request: To permit vehicular traffic associated with the National Conference Center to travel along Upper Belmont Place through the PD-H zoned development.

Staff Analysis: Staff questions how this modification meets or exceeds the public purpose or improves upon the existing regulation as traffic coming to and from the Xerox facility will be traveling through residential neighborhoods. The Applicant wishes to integrate the National Conference Center with the residential development that surrounds it and weave the conference center into the Lansdowne community. Staff notes that the purpose and intent of the PD-SA zoning district is to keep it separate and distinct from other zoning districts due to the types and intensities of uses allowed in the PD-SA zoning district. Staff is also concerned about

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pedestrian and vehicular safety due to service vehicles and increased traffic volume traveling to and from the Xerox facility on narrow streets and homes being built closer to the roadways than what is found in a typical Traditional neighborhood. Furthermore, Staff questions how pedestrian and vehicular safety are addressed as only one point of access is proposed with this proposal and a minimum of 2 points of access are required per Section 4-110(D).

Response: The Applicant is no longer requesting this zoning modification. No traffic associated with the Conference Center will travel through the residential community.

Comment 10: Section 5-200(B)(5)(a) Permitted Structures in Required Yards and Setbacks.

Provision: On regular lots, at least sixty (60) feet from street rights-of-way or private access easement lines at the front of the lot, and at least twenty-five (25) feet from any street rights-of-way or private access easement lines at the side of the lot.

Request: To permit detached garages within 5 feet of any street right-of-way or private access easement line at the side of the lot for single-family detached and single family attached units.

Staff Analysis: The Applicant states that this modification is necessary to permit the inclusion of garages within the development. Staff notes that detached garages are permitted on properties within this development without a modification. Staff questions whether there will be adequate space for required off-street parking spaces under Section 5-1400 due to reduced front, side, rear yards, increased lot coverage and reduced yards/setbacks for detached garages under this Section. The Applicant must demonstrate how this modification is implemented on the CDP, explain how this modification is unique and innovative in its design and demonstrate how it exceeds the purpose of the underlying zoning regulation. Also, show how this modification is implemented into the design of the community.

Response: The Applicant is no longer requesting this zoning modification.

Comment 11. Section 5-200 (B)(5)(b) Permitted Structures in Required Yards and Setbacks.

Provision: On irregular lots, at least forty (40) feet behind the front line of any building adjacent to the lot line, and at least twenty-five (25) feet from any access easement.

Request: To permit detached garages within 5 feet of any street right-of-way or private access easement line at the side of the lot for single-family detached and single family attached units.

Staff Analysis: See Staff Analysis in Comment #10 above. In addition, Staff questions the need to create irregular lots. The implementation of this modification must be demonstrated in the design of the community.

Response: The Applicant is no longer requesting this zoning modification.

Comment 12: Section 7-803(B) Lot Width, Single Family Detached, Suburban Design.

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Provision: 40 feet minimum

Request: To permit a minimum lot width of 35 feet.

Staff Analysis: Staff continues to question of how this modification meets or exceeds the public purpose or improves upon the existing regulation. Staff questions how providing homes in close proximity to one another strengthens community experience and decreases the amount of impervious surface for driveways and parking lots. Also, it would appear to allow increased density, which is not the purpose of a zoning modification.

Response: The Applicant is no longer requesting the modification of this section of the Zoning Ordinance.

Comment 13: Section 7-803(C)(1)(a) Yards, Front.

Provision: 15 feet minimum for single family detached, suburban and traditional.

Request: To permit a front yard of 10 feet for single family detached units.

Staff Analysis: Staff questions how this modification meets or exceeds the public purpose. Staff is concerned that minimum parking lot requirements of 3.0 spaces per dwelling unit will not be met. Staff recommends the Applicant provide additional information and details demonstrating that the parking requirements can be met on a typical lot with the requested modified yard. Demonstrate how this modification will be implemented on the CDP and in which landbays it will apply. Also, indicate on the CDP which development design option each landbay is developed under (i.e. traditional vs suburban). Furthermore, for lots developed under the Traditional Design option, the Applicant must demonstrate how the 20 foot setback for garages from the front line of buildings is implemented. Staff is concerned that the reduced front yard in traditionally designed neighborhoods will affect the ability to meet the garage setback regulation in Section 3-507(E)(2).

Response: The Applicant is no longer requesting a modification of this section of the Zoning Ordinance.

Comment 14: Section 7-803(C)(1)(b) Yards, Side.

Provision: 8 feet minimum (16 feet minimum between units) for single family detached, suburban and traditional.

Request: To permit a side yard of 5 feet for single family detached dwelling units in the R-8 zoning districts.

Staff Analysis: Staff questions how this modification meets or exceeds the public purpose or improves upon the existing regulation. Staff is concerned that this modification will limit the ability of a homeowner to place uses permitted in required side yards per Section 5-200 due to

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the reduced width. As written, this modification does not require any additional setback between buildings beyond 5 feet, which is required under Section 7-803(C)(1)(b). Staff is concerned this will result in buildings too close to each other which raises questions of safety and adequate ingress and egress. Demonstrate how this modification will be implemented on the CDP and in which landbays it will apply. Also, indicate on the CDP which development design option each landbay is developed under (i.e. traditional vs. suburban).

Response: The Applicant is no longer requesting a modification of this section of the Zoning Ordinance.

Comment 15: Section 7-803(C)(1)(c) Yards, Rear.

Provision: 25 foot minimum for single family detached, suburban and traditional.

Request: To permit a rear yard of 15 feet for single family detached dwellings in the R-8 zoning district.

Staff Analysis: Staff questions how this modification meets or exceeds the public purpose or improves upon the existing regulation. Staff is concerned that this modification will limit the ability of a homeowner to place uses permitted in required rear yards per Section 5-200 due to the reduced depth of the lots. Staff questions how a reduced rear yard ensures and promotes a more walkable community and community interaction that can be achieved under any other R-district. Demonstrate how this modification will be implemented on the CDP and in which landbays it will apply. Also, indicate on the CDP which development design option each landbay is developed under (i.e. traditional vs. suburban).

Response: The Applicant is no longer requesting a modification of this section of the Zoning Ordinance.

Comment 16: Section 7-803(C)(2)(a) Single Family Attached Yards, Front (Traditional Design)

Provision: 15 foot minimum for single family attached units.

Request: To permit a front yard of 10 feet for single family attached dwellings in the R-8 zoning district.

Staff Analysis: Staff continues to question how this modification request meets or exceeds the public purpose or improves upon the existing regulation. Staff is concerned that the minimum parking lot requirements of 3.0 spaces per dwelling unit will not be met due to the reduced length of the required yard. Staff recommends the Applicant provide additional information and details demonstrating that the parking requirements can be met and demonstrate on the CDP how this modification is implemented into the design of the community.

Response: The Applicant is no longer requesting a modification of this section of the Zoning Ordinance.

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Comment 17: Section 7-803(C)(2)(b) Single Family Attached Yards, Side. (Traditional Design)

Provision: 8 feet minimum; 0 feet for interior units for single family attached dwellings.

Request: To permit a side yard of 5 feet for single family attached dwellings in the R-8 and R-16 zoning districts.

Staff Analysis: Staff questions how this modification meets or exceeds the public purpose or improves upon the existing regulation. Staff is concerned that this modification will limit the ability of a homeowner to place uses permitted in required side yards per Section 5-200 due to the reduced width. As written, this modification does not require any additional setback between buildings beyond 5 feet. Staff is concerned this will result in buildings too close to each other which raises issues of safety due the potential for fire hopping over to other buildings and adequate ingress and egress. Demonstrate how this modification will be implemented on the CDP and in which landbays it will apply.

Response: The Applicant is no longer requesting a modification of this section of the Zoning Ordinance.

Comment 18: Section 7-803(C)(3)(a) Lot Requirements, Front Yard, Multi-Family structures.

Provision: 20 feet minimum

Request: To permit a front yard of 10 feet for multi-family units in Traditional Design areas of the R-8 zoning district.

Staff Analysis: Staff continues to question how this modification meets or exceeds the public purpose or improves upon the existing regulation. Demonstrate how this modification will be implemented on the CDP and in which landbays it will apply. Also, indicate on the CDP which development design option each landbay is developed under (i.e. traditional vs suburban). In addition, Staff is concerned that the minimum parking lot requirements per each dwelling unit will not be met due to the reduced length of the required yard. The number of parking spaces is dependent upon the number of bedrooms in the multi-family unit. The Applicant has also not indicated the number of bedrooms in each multi-family unit so that Staff can determine whether the required off-street parking is met. Staff recommends the Applicant provide additional information and details demonstrating that the parking requirements can be met and demonstrate on the CDP how the modification is incorporated into the design of the community.

Response: The Applicant is no longer requesting a modification of this section of the Zoning Ordinance.

Comment 19: Section 7-803(C)(3)(b) Lot Requirements, Side Yard, Multi-Family Structures.

Provision: 10 feet minimum; 20 feet on corner lots.

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Request: To permit a side yard of 5 feet for multi-family units in Traditional Design areas of the R-8 zoning district.

Staff Analysis: Staff questions how this modification meets or exceeds the public purpose or improves upon the existing regulation. Staff is concerned that this modification will limit the ability to place uses permitted in required side yards per Section 5-200 due to the reduced width. As written, this modification does not require any additional setback between buildings beyond 5 feet. Staff questions how a well-framed building strengthens the community experience and how such features like large windows, open floor plans and larger units are unique and innovative. Staff also questions what the Applicant mean by using the statement that the modifications promote a "front door" character. Staff is concerned this will result in buildings too close to each other which raises issues of safety and adequate ingress and egress. Demonstrate how this modification will be implemented on the CDP and in which landbays it will apply.

Response: The Applicant is no longer requesting a modification of this section of the Zoning Ordinance.

Comment 20: Section 7-803(C)(3)(c) Lot Requirements, Rear Yard, Multi-Family Structures.

Provision: 25 feet minimum

Request: To permit a rear yard of 15 feet for multi-family units in the R-8 zoning district.

Staff Analysis: Staff questions how this request meets the Zoning Ordinance criteria for modifications. The Applicant states that the requested modifications strengthen the community experience. Staff questions what the Applicant means by this statement and questions reducing the required yard by 10 feet reduces impervious surfaces and saves environmental features.

Response: The Applicant is no longer requesting a modification of this section of the Zoning Ordinance.

Comment 21: Section 7-903(C)(1)(a) Lot Requirements, Front Yard, SFA

Provision: 15 foot minimum, except as provided for in traditional design developments pursuant to Section 3-606(C)(2).

Request: To permit a front yard of 10 feet for single family attached dwellings in the R-8 and R-16 zoning districts.

Staff Analysis: Staff continues to question how this modification request meets or exceeds the public purpose or improves upon the existing regulation. Staff is concerned that the minimum parking lot requirements of 3.0 spaces per dwelling unit will not be met due to the reduced length of the required yard. Staff recommends the Applicant provide additional information and

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details demonstrating that the 5-1100 parking requirements can be met and how the modification is implemented into the community.

Response: The Applicant is no longer requesting a modification of this section of the Zoning Ordinance.

Comment 22: Section 7-903(C)(1)(b) Lot Requirements, Side Yard, SFA

Provision: 8 feet minimum; 0 feet for interior units.

Request: To permit a side yard of 5 feet for single family attached dwellings in the R-16 zoning district.

Staff Analysis: Staff continues to question how this modification meets or exceeds the public purpose or improves upon the existing regulation. Staff is concerned that this modification will limit the ability of a homeowner to place uses permitted in required side yards per Section 5-200 due to the reduced width. As written, this modification does not require any additional setback between buildings beyond 5 feet. Staff also questions how this modification is unique or innovative in its design. Staff is concerned this will result in buildings too close to each other which raises issues of safety and adequate ingress and egress. Demonstrate how this modification will be implemented on the CDP and in which landbays it will apply.

Response: The Applicant is no longer requesting a modification of this section of the Zoning Ordinance.

Comment 23: Section 7-903 (C)(2)(a) Lot Requirements, Front Yard, MF units.

Provision: 25 feet minimum

Request: To permit a front yard of 10 feet for MF units in the R-16 zoning district.

Staff Analysis: Staff questions how this modification meets or exceeds the public purpose or improves upon the existing regulation. Demonstrate how this modification will be implemented on the CDP and in which landbays it will apply. Also, indicate on the CDP which development design option each landbay is developed under (i.e. traditional vs suburban). In addition, Staff is concerned that the minimum parking lot requirements per each dwelling unit will not be met due to the reduced length of the required yard. The number of parking spaces is dependent upon the number of bedrooms in the multi-family unit. The Applicant has also not indicated the number of bedrooms in each multi-family unit so that Staff can determine whether the required off-street parking is met. Staff recommends the Applicant provide additional information and details demonstrating that the parking requirements can be met.

Response: The Applicant is no longer requesting a modification of this section of the Zoning Ordinance.



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Comment 24: Section 7-903 (C)(2)(b) Lot Requirements, Side Yard, MF units.

Provision: 10 feet minimum; 25 minimum on corner lots.

Request: To permit a side yard of 5 feet for MF units in the R-16 zoning district.

Staff Analysis: Staff continues to question how this modification meets or exceeds the public purpose or improves upon the existing regulation. Staff is concerned that this modification will limit the ability to place uses permitted in required side yards per Section 5-200 due to the reduced width. As written, this modification does not require any additional setback between buildings beyond 5 feet. Staff is concerned this will result in buildings too close to each other which raises issues of safety and adequate ingress and egress. Demonstrate how this modification will be implemented on the CDP and in which landbays it will apply.

Response: The Applicant is no longer requesting a modification of this section of the Zoning Ordinance.

Comment 25: Section 7-903(C)(2)(c) Lot Requirements, Rear Yard, MF units.

Provision: 25 feet minimum

Request: To permit a rear yard of 15 feet for MF units in the R-16 zoning district.

Staff Analysis: Staff continues to question how this request meets the Zoning Ordinance criteria for modifications. The Applicant has not demonstrated on the CDP how this modification will be utilized in the community. The Applicant states that the requested modifications create a "front door" character. Staff questions what the Applicant means by this statement and questions how reducing the required yard by 10 feet reduces impervious surfaces and saves environmental features.

Response: The Applicant is no longer requesting a modification of this section of the Zoning Ordinance.

Comment 26: Section 7-903(D) Lot Coverage.

Provision: 60 percent maximum for MF units and 75 percent maximum for SFA units.

Request: Request to allow a maximum of 80 percent lot coverage within the R-16 zoning districts for all multi-family residential lots.

Staff Analysis: The Applicant states that this modification helps permit a pedestrian-oriented development, a traditional development design and facilitates the preservation of an unnamed tributary that crosses the subject property. Staff continues to question how increased lot coverage facilitates preservation of water features as an increase in building coverage creates an increase in impervious surface run-off that may ultimately flow into the unnamed tributary.

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Staff questions how this request meets the Zoning Ordinance criteria for modifications and how an increase in the size of buildings and an open floor plan is unique and innovative. In addition, on Page 11 of the SOJ, the Applicant still requests a modification of Section 3-607(A). Staff questions why this modification is requested, as it is not necessary. Also, revise the Zoning Table on Sheet 5 of the CDP, as the table is missing the reference to the maximum lot coverage of 75 percent for SFA units.

Response: The Applicant is no longer requesting a modification of this section of the Zoning Ordinance.

Proffers

Comment 1: Proffer Statement Introductory Paragraph. Staff notes that the modifications referenced in Exhibit B and shown on the CDP are unclear and confusing as neither the CDP nor the proffers specify where a particular modification will apply. Also, the number of modifications shown in the SOJ, Exhibit B, and the CDP do not match. Staff notes that the Applicant has requested 30+ modifications, some of which are not necessary.

Response: Comment acknowledged. This comment has been addressed in the revised draft Proffers and revised Statement of Justification.

Comment 2: Proffer I. Concept Development Plan. Staff notes the Applicant has proffered substantial conformity to Sheets 1, 3, 4, 5 and 6, however, the CDP is essentially a "bubble plan." Staff is unable to determine whether Zoning Ordinance requirements are met, how modifications are implemented into the design of the project, and is unable to judge its superiority over other proposals.

Response: Comment acknowledged. The CDP has been revised to provide significantly more detail to assist Staff with its processing of this application.

Comment 3: Proffer II. Development Scope. Staff recommends the language in this proffer be revised to state single family attached units and multi-family units. In addition, ADUs must be dispersed throughout all unit types.

Response: The Proffer includes the requested language.

Comment 4: Proffer III.A. Site Amenities. The amenities proposed in this proffer do not meet the Article 8 definition of "open space, active." In addition, active recreation space must be used on a non-commercial basis. The proffer states that a fitness center is shown on the CDP. There is no such label on the CDP. Also, a community center is not a permitted use in the active recreation space. To summarize, the proffer states that the location of active recreation, tot lots, green space, etc will be determined at site plan or preliminary subdivision approval. The location of these areas must be shown on the CDP and not at time of site plan or preliminary plan. Furthermore, the timing of construction of these amenities, as stated in the proffer, is "in conjunction with the development of the adjacent residential areas and the

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construction of the adjacent street (other than private alleyways) and infrastructure." This statement is vague and unenforceable and should be tied to the issuance of a certain number of zoning permits.

Response: Comment acknowledged. Please see the CDP and draft Proffers, which have been revised to address Staff's concerns.

Comment 5: Proffer VIII. D. Garage Space Conversion Restriction. Staff recommends this proffer be revised to prohibit all unit types proposed on the property from converting garage space to any other use that would prevent or preclude the use of the garage for the storage of vehicles if garages are used to meet the minimum number of parking spaces required.

Response: Comment acknowledged. Please see the revised draft proffers.

Comment 6: Proffer IX. Residential/Parking Linkage. Parking for the conference center must be located entirely on the PD-SA zoned portion of the property. The required number of off-street parking spaces for the conference center cannot be located on both the PD-H4 and PD-SA portions of the property. State the current number of parking spaces provided for the National Conference Center and clarify the required number of parking spaces for the National Conference Center and demonstrate that the minimum number of required parking spaces will be available at all times during construction on the PD-SA zoned portion of the property.

Response: As discussed above, the Applicant seeks to use existing surface parking spaces at the Property in advance of a parking garage being developed to serve the Conference Center. The use of these surface parking spaces will prevent the construction of site plan approved parking spaces surrounding the Conference Center, only for them to be removed once the parking garage is developed.

The Applicant notes that the Zoning Ordinance does not prevent parking spaces serving a use in a separate zoning district. The proposed use of the existing surface parking space is discussed in the revised draft Proffers.

Comment 7: Proffer X.B. Sprinkler Systems. Staff recommends that the word "homes" be deleted and the phrase "all residential units" be inserted.

Response: Comment acknowledged. Please see the revised draft proffers.

Concept Development Plan

Comment 1: Provide a typical lot layout detail illustrating the required yards, lot size, lot width, and setbacks for the SFA, SFD and multifamily units proposed in this development. The CDP does not contain enough information to determine whether the Zoning Ordinance regulations are met and how the 30+ modifications are implemented into the design of the community. A note stating the lot layouts will meet the requirements on the Zoning Tabulation Chart on Sheet 5 is not adequate.

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Response: Comment acknowledged. The CDP has been revised to show the additional detail requested by Staff. The Applicant has significantly reduced the number of zoning modifications being requested as part of this application.

Comment 2: Label the street types in the landbays on the CDP to show the type of street that serves the SFA, SFD and multifamily units.

Response: Comment acknowledged. Please see the revised Sheet 4 of the CDP.

Comment 3: It appears sidewalks will be located on individual lots of record and not within a public or private right-of-way easement. Staff recommends that trails and sidewalks be located within these easements and not on individual lots due to safety and maintenance concerns.

Response: The Applicant is unable to provide all sidewalks outside of individual lots. However, all sidewalks will comply with the County's FSM requirements.

Comment 4: Staff notes that this application proposes SFA, SFD and multifamily units. Staff notes that there are numerous Zoning Ordinance references on Sheet 5 of the CDP that are not relevant to this application and which are unnecessary and confusing. Clarify the unit types proposed and remove Zoning Ordinance references for unit types that are not proposed with this application.

Response: Comment acknowledged. The CDP has been revised to clarify the unit types being proposed and to confirm the ZMODs being requested as part of this application.

Comment 5: Note #2 below the Landbay Tabulation Table on Sheet 5 is vague and unenforceable and should be removed from the CDP.

Response: Comment acknowledged. Please see the revised CDP.

County of Loudoun, Department of Planning

Site Design

Comment: Staff recommends redesigning the site locating development outside of all elements of the river and stream corridor resource and steep slope areas (slopes of greater than 25 percent). Staff further recommends the applicant commit to the following:

- *location of street trees and street lighting throughout the project;*
- *on-street parking;*
- *detached garages and rear loaded garages; and*
- *a variety of lot sizes.*



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Lastly, staff requests information pertaining to the removal of the trail connection linking the proposed residential development with the National Conference Center in the north central portion of the property.

Response: Comment acknowledged. The CDP has been revised to provide the additional detail requested by Staff and Sheet 7 has been updated to show the trail connection linking the proposed residential development with the Conference Center to the north.

Transportation

Comment: Staff recommends redesigning the site to eliminate conference center traffic from utilizing Road B. Staff defers to OTS and Fire, Rescue, and Emergency Management regarding the transportation and safety issues.

Response: Comment acknowledged. As shown on the revised CDP, the proposal has been revised to prevent Conference Center traffic from utilizing Road B.

Land Use Mix

Comment: Staff recommends revising the CDP to show the types of recreational amenities envisioned for the open space areas to ensure the intent of the Plan is being met. Staff further recommends that the applicant commit to commercial quality equipment for the tot lot. Staff recommends revising the proffer statement to include upgrades to the fitness center and ensuring the facility is available when the first resident moves in to the proposed community. Staff requests information regarding the shared use of the fitness center by the conference center and the residents of the proposed community to ensure the facility will be accessible and sized to adequately meet the needs of both users.

Response: Please see Sheets 5 and 6 of the revised CDP, which provides additional information about proposed open space and active recreation spaces. The Sports-Plex is an existing facility that includes six tennis/multi-use courts, a 25 ft swimming lap pool, two basketball courts, a sand volleyball court, one squash court, three racquetball courts, a multi-purpose gymnasium and changing facilities and lockers.

As confirmed in the revised draft Proffers, the Sports-Plex shall be available for use by future residents of the Property. The facility shall also continue to be used by guests of the Conference Center.

Comment: Staff recommends revising the CDP to show 4.66 acres of public and civic space.

Response: Comment acknowledged. Please see the revised CDP.

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Existing Conditions

Comment: Staff recommends revising the submitted plats to include all the elements of the river and stream corridor resources as called for in the Plan. Staff recommends redesigning the site locating development outside of the river and stream corridor resources (see also Steep Slopes discussion below). Staff defers to the department of Parks, Recreation, and Community Services regarding dedication of the river and stream corridor resource for a passive linear park.

Response: The revised CDP shows river and stream corridor buffers required by the RGP.

Comment: Staff requests information pertaining to stormwater runoff. Given that surface water from the proposed neighborhood will eventually drain into the Potomac River, staff recommends the applicant commit to measures that can treat the quality of the water near proposed impervious areas using LID techniques.

Response: In addressing storm water runoff, the Applicant shall comply with the requirements of the FSM.

Comment: Staff recommends redesigning the site locating development outside of steep slope areas (see also River and Stream Corridor Resource discussion above). Staff recommends revising the submitted plats, delineating moderately steep slope areas and committing to best management practices and reduced locational clearances for clearing and grading on moderately steep slopes. Staff also recommends the applicant commit to measures to be taken on residential lots to minimize forest clearing. Homeowners' association documents should include a discussion of the potentially adverse effects of residential fertilizers, herbicides, pesticides, and animal wastes on water quality.

Staff recommends delineating potential specimen trees on the Existing Conditions Map and incorporating into the design of the site. Staff recommends expanding the TCAs to correspond with open space land bays primarily within the river and stream corridor resources and steep slope areas.

Response: Comment acknowledged. The CDP has been revised to show steep and moderately steep slopes on the Property and has sought to preserve these natural features. The development of the Property will comply with the requirements of the County's FSM. The Applicant anticipates that the Property will be annexed into the Lansdowne HOA and does not know whether its documents include such language concerning potentially adverse effects of residential fertilizers, herbicides, pesticides, and animal wastes on water quality.

Zoning Modifications

The applicant seeks to modify the Zoning Ordinance to allow:

- a. An increase in the building height for multi-family units from 55 feet to 60 feet;*
- b. A reduction in the front, side, and rear yard setbacks to 10 feet, 5 feet, and 15 feet respectively;*

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- c. *An increase in the lot coverage from 60 percent to 80 percent;*
- d. *A reduction in the lot width from 50 feet for single-family detached dwellings and 40 feet for duplex dwellings to 35 feet;*
- e. *Commercial traffic to access through a residential district;*
- f. *Private streets to serve single-family detached and single-family attached duplex units;*
- g. *More than 79 units to be served via a single point of access;*
- h. *The elimination of the buffer yard between all residential land bays internal to the property;*
- i. *A reduction in the yards adjacent to roads from 100 feet to 25 feet for the guardhouse and associated facilities;*
- j. *A reduction in the setback from street rights-of-way or private access easements for non-habitable, one-story accessory structures from 25 feet at the side of the lot to 5 feet to permit detached garages; and*
- k. *A reduction in the perimeter buffer yard from 50 feet to 10 feet adjacent to the existing fitness facility.*

As stated previously, one of the foremost issues with the proposed residential development is transportation. Staff has serious concerns regarding the impacts of commercial traffic on the proposed residential neighborhood as well as the safety issues associated with 216 residential dwelling units, the conference center, and Belmont Ridge Middle School traffic all utilizing a single point of access.

For the above reasons, staff does not support the following Zoning Ordinance Modifications:

- *The provision of vehicular traffic associated with the National Conference Center to access the site through the proposed residential community and*
- *More than 79 units to be served via a single point of access.*

Response: Comment acknowledged. The Applicant has significantly reduced the number of zoning modifications being requested as part of this application. Further, the Applicant is proposing a second access to the Property and proposes that no Conference Center traffic will pass through the proposed residential community.

Open Space Program

Comment: Staff recommends the application contribute land or provide an open space easement contribution equivalent to the cost of purchasing open space in the Ashburn Community.

Response: Comment acknowledged. The draft Proffers have been revised to provide a contribution to the purchase of open space.

County of Loudoun, Environmental Review Team

Comment 1: The project area includes a unique mix of healthy, mature forest and stream resources with a developed parking lot area. Staff believes that the parking lot surface and

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cleared areas adjacent to it are logical development areas, while the forested areas of the project are best left preserved for passive recreation. ERT respectfully recommends a design that limits development to the area within the perimeter of the existing parking lot area and adjacent cleared areas, without losing development yield. Based on the site visit, the existing hardwood forest cover is young, diverse, and likely to thrive for over a century if left undisturbed. As mentioned in the previous referral, such an approach would meet virtually all green infrastructure policies in Chapter 5 of the Revised General Plan (RGP). Stormwater management areas would also be minimal, depending on the amount of impervious area added in the areas adjacent to the parking lots. If the applicant reconsiders the product layout and preserves these undisturbed areas, along with adopting green building measures and accounting for commercial traffic noise, all ERT concerns would be addressed.

Response: The Applicant is unable to redesign the proposal to be entirely within the perimeter of the existing parking lot.

Comment 2: The applicant has expressed an interest in encouraging energy conservation with this development yet has also insisted on sufficient design flexibility so as not to commit to specific lot layouts or streetscapes. Staff believes this presents a promising opportunity to apply a residential green building standard to this site, and such a choice would implement Guiding Principle Policy 12 of approved CPAM-2007-0001. Accordingly, ERT recommends the following commitment:

"The applicant shall construct all residential buildings on the Property in conformance with a recognized set of residential building standards that utilizes energy efficient design and construction principles, promotes high performance and sustainable buildings, and minimizes construction waste and other negative environmental impacts ("Green Building Standards.") Prior to the submittal of the first subdivision record plan, construction plan and profiles, or site plan, whichever is first in time, the applicant shall consult with County staff and shall notify the County of the Green Building Standards chosen for the application to the Property. It is understood that the County currently recognizes several sets of Green Building Standards, including National Green Build Standard from the National Association of Homebuilders; Leadership in Energy and Environmental Design (LEED) for Homes from the US Green Building Council, and EarthCraft House Virginia. Additionally, LEED for New Construction from the US Green Building Council is recognized for any multi-story, multi-family housing construction. However, the applicant may choose another set of Green Bulding Standards if they can document that such alternative meets or exceeds the energy and water conservation outcomes and site sustainability goals of the recognized Green Building Standards. Prior to issuance of the first zoning permit for development on the Property, the applicant shall submit documentation to the County showing proof of enrollment with the chosen Green Building Standards program for certification of development on the Property. Prior to final bond release, the applicant shall submit documentation demonstrating successful certification under the chosen Green Building Standards program."

Response: The Applicant has significantly reduced the number of zoning modifications being requested as part of this application.

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Comment 3: This applicant proposes new residential lots with frontage to public roads that will convey commercial traffic. Further, the applicant requests width reductions separating residential units from primary access ways for commercial traffic, per Revised 1993 Zoning Ordinance (ZO) Section 7-803 and ZO Section 4-707(D)(1). Staff is concerned about ambient noise within homes and in public open spaces, where maximum noise levels are listed in Table 4-1 of the Countywide Transportation Plan, and recommends the following noise study and noise attenuation commitment to mitigate for the close proximity of homes to commercial traffic:

"The applicant will provide a noise impact study to the County that will determine the need for any additional buffering and noise attenuation measures along proposed public roads. The noise impact study shall be based upon anticipated traffic volumes from this development and the National Conference Center campus, the ultimate road configuration, and the ultimate design speed. This noise impact study will be conducted by a certified professional engineer and submitted to the County concurrently with the first site plan or construction plan, whichever is first in time. Noise impacts occur if noise levels substantially exceed the existing noise levels (a 10 decibel increase over existing levels) or approach (one decibel less than), meet, or exceed the Noise Abatement Criteria identified in the Revised Countywide Transportation Plan. For all impacted uses, noise attenuation measures shall be provided along the specified roadway sufficient to mitigate the anticipated noise impacts prior to the issuance of occupancy permits for any impacted structures. Noise attenuation shall result in noise levels less than impact levels (2 decibels less than the Noise Abatement Criteria) and shall result in a noise reduction of at least 5 decibels."

Response: Please see Sheet 4 of the revised CDP, which no longer proposes residential lots fronting onto roads used by commercial vehicles.

Comment 4: The land proposed for development sends storm runoff through golf course water features and then to the Potomac River. To protect the clarity of the downstream ponds and of the Potomac River, ERT recommends commitments for erosion and sediment control, as follows:

- *Super silt fence to be substituted for silt fence in all perimeter locations, including phased sections of construction.*
- *Sediment traps and basins will provide double the minimum required volume (286 cubic yards per acre), except that this volume may be reduced to avoid impacts to sensitive environmental features (e.g. streams, wetlands, forest cover, steep slopes.)*
- *The use of stabilization matting will be expanded to aid in establishment of vegetation.*
- *Development phasing should be used to avoid extensive areas of disturbance for extended periods of time.*

These standards are requirements for the Goose Creek reservoir area, as described in FSM Section 5.320.D.7. Staff believes that the proximity to golf course ponds and the Potomac River justify these standards in this location to better maintain water clarity during construction.

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Response: The Applicant shall comply with the requirements of the FSM in the construction of the Property. The Applicant agrees with Staff that it is too early in the design of this project to justify these suggested measures at this time.

Comment 5: Staff recommends the following for stormwater management commitments:

- Remove "water quality inlets" from proffer VII.C, because they are deemed acceptable by FSM Section 5.320.D.2 only when other structural BMP devices are not feasible due to constraints. Staff believes that the development plan is sufficiently in the planning stages to work around the constraints that justify these devices.
- The proffered site will remove over five acres of mature, hardwood forest, replacing it impervious surfaces or fertilized yards. The offsite stormwater features referenced by the applicant are ponds in downstream golf courses that lack sediment forebays and do not meet current stormwater design standards. Consider adjusting proffer VII.C to read "The applicant will design a stormwater treatment approach on site that removes a minimum of 50 percent of the phosphorous generated by the application, where the development pollution load is compared to the Average Land Condition, where Average Land Condition assumes that the existing site area is 16 percent impervious."

Response: Please see the revised draft Proffers. The Applicant acknowledges the second part of Staff's comment, however, the FSM and State requirements regarding storm water runoff establish standards that will be met and/or exceeded through the construction plans process.

Comment 6: Staff appreciates the depiction of topography based on two-foot contour intervals, which helps specify steep slope areas. Please include natural very steep slope areas and a delineated river and stream corridor area on the proffered concept development sheets, so that proposed residential cells can be shown outside of these areas. The 50-foot management buffer shown on non-proffered sheets does not account for the river and stream corridor measurement specified in river and stream corridor policy 2, page 5-6, of the RGP, because it does not account for contiguous steep slope areas. Natural steep slope areas are not to be confused with manmade berms or stockpiles that are adjacent to the southern edge of parking lots or located approximately 150 feet southwest of the recreation facility.

Response: Comment acknowledged. Please see the revised CDP.

Comment 7: If available, please amend note four on sheet 2 and associated plan views to specify the approved jurisdictional determination case number and approval date, along with the approved depiction of wetlands and waters of the U.S.

Response: Please see Note 4 on Sheet 2, which has been revised to confirm the case number (COE #00-B874) and approval date (8/8/2000).

Comment 8: Please adjust the draft tree conservation VII.A.4 from "The HOA documents shall clearly state that such provisions prohibiting tree removal shall not be amended by the Owner or

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the HOA without written approval from the County, such approval not to be unreasonably conditioned, withheld or delayed." to "The HOA documents shall clearly state that such provisions prohibiting tree removal shall not be amended by the Owner or the HOA without written approval from the County. It is understood that such approval shall not be unreasonably conditioned, withheld or delayed."

Response: Comment acknowledged. Please see the revised draft Proffers.

Loudoun County, Department of Fire, Rescue and Emergency Management

Comment: The Fire and Rescue Staff cannot support the Applicant's request to modify Section 4-110 (B) of the Zoning Ordinance to allow 216 units to be served by a single point of access. Staff respectfully requests that the applicant provides a second point of access for emergency vehicles.

Response: Please see Sheet 4 of the revised CDP, which shows a second access to the proposed residential community.

Loudoun Water

Comment 1: Show the proposed public water and sanitary sewer alignments, along with the location and identification of the point of connection to the central water and sewer systems.

Response: Comment acknowledged. Please see the revised CDP.

Comment 2: LCSA utility lines including sanitary sewer lines and water lines (and associated land disturbance) shall be relocated outside of very steep slope areas in accordance with section 5-1508 of the 1993 Revised Zoning Ordinance, and in areas acceptable to LCSA. Such locations shall be shown and approved as part of construction plan approval or grading permit approval.

Response: Comment acknowledged.

Comment 3: Should offsite easement be required to extend public water and/or sanitary sewer to this site, the applicant shall be responsible for acquiring such easements and dedicating them to the Authority at no cost to the County or to the Authority.

Response: Comment acknowledged.

Comment 4: Detailed comments on the design of the public water and sanitary sewer facilities will be addressed during the Sanitation Authority's Utility Extension Request process.

Response: Comment acknowledged.



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Loudoun County Office of Transportation Services

Staff comments from the first referral, along with the Applicant's response (quoted directly from its March 6, 2008 response letter) and issue status, are provided below.

Comment 1: Initial Staff Comment: After review of the submitted traffic study, staff requests that the Applicant provide existing and future traffic analyses for the intersection of Upper Belmont Place and Riverpoint Drive. Based on the traffic counts provided for the intersection of Belmont Ridge Road/Upper Belmont Place and Riverside Parkway (see Attachment 5 in first OTS referral), there appears to be significant existing traffic volumes at the intersection of Upper Belmont Place and Riverpoint Drive (approximately 8,000 ADT use the segment of Upper Belmont Place between Riverside Parkway and Riverpoint Drive; this amount is anticipated to increase to approximately 14,540 ADT by project buildout in 2011 (see Attachment 9 in the first OTS referral)).

Applicant's Response: The Applicant respectfully points out that the proposed development traffic constitutes 13.5 percent of the total projected traffic by 2011 along Upper Belmont Place. Further, the development proposal reduces the am, pm, and average daily trips on the regional roadway network in comparison to the approved PD-SA zoning on the Property. Therefore, there is no need to require the Applicant to study this intersection since the development's traffic contribution will have a de minimus or negligible impact.

Issue Status: Staff reiterates its request for existing and buildout year (2011) analysis of the Upper Belmont Place/Riverpoint Drive intersection. All site traffic for the existing conference center and the proposed residential development must pass through this intersection. Based on figures contained in Figures 7 & 8 of the Applicant's July 9, 2007 traffic study (see Attachments 8 & 9 in the first OTS referral), site-generated traffic will make up approximately 47% of total future traffic on the segment of Upper Belmont Place just outside of the existing gatehouse (1,490 site-generated VPD / 3,190 total future (2011) VPD = 46.7%). Further, the Applicant's trip generation comparison of the proposed residential uses versus other unbuilt (office) uses approved for the site does not accurately represent the future traffic volumes that would be realized should the subject application be approved. Increased traffic volumes above existing levels will result from the proposed residential units. Issue not resolved.

Response: Per OTS Staff's request, traffic counts were conducted at the intersection of Upper Belmont Place and Riverpoint Drive intersection on Wednesday, June 11, 2008. Since the traffic counts at the intersection of Upper Belmont Place and Riverside Parkway were conducted in May 2007, the traffic counts were balanced based on the latest intersection counts. The results of the existing conditions capacity analysis are shown in table 1 on the next page. Figures 1A and 1B show the existing traffic volumes and capacity analysis results.

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Table 1: Existing (2008) Intersection Capacity Analysis

Int. No.	Intersection (Approach/Movement)	Existing Conditions (2008)			
		AM Peak Hour		PM Peak Hour	
		LOS	Delay	LOS	Delay
	Rte 659 Ext/Upper Belmont PI and Riverside Parkway				
	Overall (Signalized)	C	33.6	C	28.3
	Eastbound	C	34.0	C	23.7
	Westbound	C	20.1	C	31.4
	Northbound Left turn	C	32.6	C	28.6
	Southbound Left turn	D	41.6	C	27.3
	Upper Belmont PI and River Point Drive				
	Overall (Unsignalized)	N/A	N/A	N/A	N/A
	Eastbound	B	13.6	B	12.5
	Westbound	F	192.4	F	69.1
	Northbound Left turn	A	7.8	A	8.0
	Southbound Left turn	A	0.9	A	0.3
	Upper Belmont PI and Parking Garage Entrance				
	Overall (Unsignalized- All Way Stop Control)	A	7.7	A	7.7
	Eastbound	A	0.0	A	0.0
	Westbound	A	7.5	A	7.9
	Northbound	A	7.8	A	7.6
	Southbound	A	7.1	A	7.4

In the original traffic study dated July 9, 2007, under future without development conditions, Phase I of the Lansdowne Village Greens development was assumed to be entirely undeveloped. Phase I comprised of approximately 962 single family detached units, 642 single family attached units, 645 multi-family units for a total of 2,249 residential units. The Loudoun County Annual Growth Summary for the year 2007 shows that approximately 73% of the Lansdowne Village Greens residential development is complete. Majority of the residential land bays surrounding the Lansdowne National Conference Center are fully built out. Hence, the traffic projections for the future with and without development conditions (2011) were updated based on the latest counts and information from the Loudoun County Annual Growth Summary. The capacity analysis results for future conditions with development (2011) are shown in Table 2 below.

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Table 2: Future conditions with development (2011) Intersection Capacity Analysis

Int. No.	Intersection (Approach/Movement)	Future Conditions with Development (2011)			
		AM Peak Hour		PM Peak Hour	
		LOS	Delay	LOS	Delay
	Rte 659 Ext/Upper Belmont Pl and Riverside Parkway				
	Overall (Signalized)	D	39.5	C	31.7
	Eastbound	D	39.6	C	27.5
	Westbound	C	22.3	C	33.7
	Northbound Left turn	C	33.8	C	32.4
	Southbound Left turn	D	53.9	C	30.9
	Upper Belmont Pl and River Point Drive				
	Overall (Unsignalized)	N/A	N/A	N/A	N/A
	Eastbound	C	16.3	B	14.3
	Westbound	F	375.3	F	166.6
	Northbound Left turn	A	8.1	A	8.1
	Southbound Left turn	A	0.7	A	0.2
	Upper Belmont Pl and Parking Garage Entrance				
	Overall (Unsignalized- All Way Stop Control)	A	8.1	A	8.4
	Eastbound	A	6.9	A	6.9
	Westbound	A	8.1	A	8.8
	Northbound	A	8.3	A	8.1
	Southbound	A	0.0	A	0.0

The analysis reveals that there is no change in the levels of service from existing conditions to future with development conditions. Gaps will be created by the downstream signalized intersection for the westbound left turn traffic. In addition, the traffic generated by the proposed development is not part of the westbound left turn movement. Hence, the trips generated by the proposed development do not contribute to the failing movement. Figures 2A and 2B shows the volumes and level of service for future conditions with development scenario.

A connection is being proposed from Upper Belmont Place to Kipheart Drive (Part of the Lansdowne Village Green development). This will enable residents living in close vicinity of Kipheart Drive (Approximately 65 single family detached houses) to use Upper Belmont Place instead of Riverpoint Drive as their primary access route. Existing traffic will be rerouted and is graphically displayed in figure 3A. The capacity analysis results are shown in table 3 below and graphically in figure 3B.

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Table 3: Future conditions with development (2011) Intersection Capacity Analysis – Rerouted Traffic

Int. No.	Intersection (Approach/Movement)	Future Conditions with Development (2011)			
		AM Peak Hour		PM Peak Hour	
		LOS	Delay	LOS	Delay
	Rte 659 Ext/Upper Belmont Pl and Riverside Parkway				
	Overall (Signalized)	D	39.5	C	31.7
	Eastbound	D	39.6	C	27.5
	Westbound	C	22.3	C	33.7
	Northbound Left turn	C	33.8	C	32.4
	Southbound Left turn	D	53.9	C	30.9
	Upper Belmont Pl and River Point Drive				
	Overall (Unsignalized)	N/A	N/A	N/A	N/A
	Eastbound	C	16.6	B	14.5
	Westbound	F	316.9	F	120.3
	Northbound Left turn	A	8.1	A	8.1
	Southbound Left turn	A	0.6	A	0.2
	Upper Belmont Pl and Parking Garage Entrance				
	Overall (Unsignalized- All Way Stop Control)	A	8.1	A	8.7
	Eastbound	A	7.2	A	7.2
	Westbound	A	8.2	A	9.1
	Northbound	A	8.5	A	8.8
	Southbound	A	0.0	A	0.0

The analysis reveals that with the connection of Upper Belmont Place to Kipheart Drive and rerouting of existing traffic, the vehicular delay experienced at the intersection of Upper Belmont Place and Riverpoint Drive improves as shown in table 3 above.

Comment 2: Initial Staff Comment: The proposed configuration of the residential development and road network would result in all conference center traffic (including trucks and other service vehicles) having to pass through the residential area (the Applicant is requesting a Zoning Modification to allow such a configuration). The proposed road network would create numerous conflicts between the residential uses and commercial traffic, though the Applicant's justification for the proposed ZMOD makes no mention of such issues. OTS recommends that the site be re-designed to provide separate conference center access that does not traverse the proposed residential development. Further discussion on this matter is necessary.

Applicant's Response: Additional access would be difficult to provide given the topography, the environmentally sensitive areas on the Property, and the lack of ownership of the surrounding area. The Applicant assumes Road "A" and Road "B" as public roads will create a smoother traffic flow and more efficient traffic pattern to accommodate residential and commercial traffic in a safe environment.

Issue Status: OTS staff recognizes the site constraints that exist on the property, but notes that these constraints – largely the effect of the existing, established development surrounding the

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site – categorize this application as an infill development. As such, County policy calls for review of the proposal “based on how the proposed use functions on the site relative to the established development pattern, rather than simply based on the use itself” (Revised General Plan, Page 6-15, Policy 1). From a transportation perspective, the issue in this case is the retrofitting of a new residential neighborhood onto a street network that serves as the only access to/from a major non-residential use (the existing conference center), and the impacts that the traffic to/from the conference center would have on the future residents of the proposed residential units along Road “A” and, to a much greater extent, Road “B”. County policy states that “direct vehicular access is discouraged between individual residential and commercial lots” (Revised Countywide Transportation Plan, Page 3-15, Policy 5); in this case, the proposed direct connection between residential and non-residential uses (and the resultant conflicts) would be on a much larger scale. Staff notes that no residential dwellings currently front on any other segment of Upper Belmont Place, with the roadway essentially functioning as a collector road rather than as a local subdivision street. While the Applicant’s revisions noting that Roads “A” and “B” will be constructed to public (VDOT) standards provide some clarification beyond the initial submittal, the Applicant should provide data on the number and types of commercial vehicles (trucks, buses, delivery vehicles, etc.) that access the conference center on a daily basis; staff would like to review this information to determine the degree of potential conflicts between residential and commercial traffic that will result if this application is approved in its current form (future traffic calming measures on Road “B” would likely be necessary). Staff reiterates its suggestion that the Applicant explore the possibility of constructing a road connection to allow for traffic exiting the conference center to bypass Road “B” (i.e., accommodating two-way conference center traffic on Road “A” only, and/or constructing a road for exiting conference center traffic that circumvents the proposed residential development to the south). This will likely require a significant redesign of the site and the existing access to the conference center. Issues not resolved.

From the illustrative plan (Sheet 9 of the plan set), it appears that none of the residential units proposed along Road “B” will be accessed directly from the road (i.e., rear alley and/or parking lot access appears to be provided). Should this application be considered for approval as currently proposed, staff recommends that the Applicant commit to a prohibition of direct access to Road “B” for single family detached residential units (i.e., commit to rear-loaded units only) (single family attached and multi-family units are not permitted to directly access public roads per County and VDOT regulations). The Applicant should also agree to provide sufficient off-street parking for each unit so that on-street parking – and potential conflicts with conference center traffic – is minimized to the extent possible. On-street parking restrictions along Road “B” should also be considered.

Response: The property currently contains two surface parking lots, which serve the National Conference Center (NCC) facilities on the northern portion of the Parcel. The existing traffic circulation along Upper Belmont Place, which only serves the National Conference Center (NCC) today, will be modified. Upper Belmont Place will be converted to a two-lane roadway in order to serve the proposed residential development on the southern portion of the parcel. However, Upper Belmont Place will continue to operate as a one-way road in order to serve the National Conference Center (NCC) facilities located on the northern portion of the parcel.

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Hence, the vehicles per day calculated are the total of existing traffic using the conference center facility along with the traffic generated by the proposed residential development. The forecasted daily traffic volumes (PM peak hour volumes x 10), shown on the figures in the traffic study include existing traffic and traffic generated by the proposed residential development. The revised traffic volumes are shown in Figures 2A and 3A.

Comment 3: Initial Staff Comment: The application proposes to allow all 219 residential units to use a single point of access. This amount is nearly three times the maximum of 80 units that are permitted by the Zoning Ordinance. Given the number of units proposed to use this sole access point, as well as the additional conference center traffic that will need to traverse the residential development, OTS believes that additional ingress and egress points should be studied. Further discussion on this matter is necessary.

Applicant's Response: As discussed above, additional access would be difficult to provide given the topography, the environmentally sensitive areas on the Property, and the lack of ownership of the surrounding area. Further, the proposed development will reduce traffic volumes by 70 percent on a daily basis and Roads "A" and "B" have been redesigned as public streets to accommodate traffic.

Issue Status: The Applicant's contention that traffic volumes will be reduced does not accurately represent the proposed condition if this application were to be approved; additional traffic on the existing road network will result from the 216 residential units. Even with the revisions to the application specifying that Roads "A" and "B" will be public roads, all site traffic (from 216 residential units) will access the existing public road network (Upper Belmont Place) via a single point. The 216 units proposed to use this single point of access is nearly three times the 79 units that are allowed via a single access point per the Zoning Ordinance; OTS believes that this amount is excessive – particularly when combined with the existing conference center traffic that would also use this single ingress/egress point. OTS therefore cannot support the requested zoning modification to allow more than 79 units to utilize a single point of access. OTS recommends that additional access points to the residential units be explored, as well as the provision of alternate access (as described in Comment #2 above) to allow conference center traffic to bypass the residential neighborhood. Issue not resolved.

Response: Comment acknowledged. Please see Sheet 4 of the revised CDP which shows a proposed second access to the Property.

Comment 4: Initial Staff Comment: The plan set should clearly state that all roads within the proposed development are to be private (not publicly maintained) and will be built to applicable Loudoun County Facilities Standards Manual (FSM) standards. Typical sections for each roadway type (category) should be included in the plan set. If the design of the road network as proposed is to be retained, Roads "A" and "B" may need to be designed and built to VDOT (public) road standards as these roads serve a use (conference center) that is not permitted in the PD-H4 zoning district (OTS defers to Zoning Administration regarding the need for public roads).



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Applicant's Response: *The CDP has been revised to show Roads "A" and "B" as public roads. The Applicant would also like to point out that Sheet 6 of the CDP includes typical road sections for all roadways.*

Issue Status: *OTS defers to Zoning Administration as to whether the delineation of Roads "A" and "B" as public roads addresses the zoning/use issue previously identified in the first referral. Clarification that proposed Road "A" will match the existing section of Upper Belmont Place and the inclusion of more detailed typical road sections are appreciated. Issue resolved from the perspective of OTS.*

Response: Comment acknowledged. Zoning Administration comments have been addressed elsewhere in this letter.

Comment 5: Initial Staff Comment: *The Applicant should indicate as to whether the existing conference center gatehouse will be relocated to a point further north on Upper Belmont Place or if it will remain in its current location (the latter scenario would place the proposed residential units within the gated area). The location of the proposed conference center parking garage, while located outside of the rezoning area, should also be indicated so its relationship to the proposed residential units can be determined.*

Applicant's Response: *As the final engineering for the gatehouse and parking garage has yet to be determined, the Applicant believes it is premature to commit to a location at this time. The Applicant submits that the 50-foot Type III buffer will provide adequate buffering and screening from non-residential uses on the PD-SA portion of the Property.*

Issue Status: *With the revisions to construct Roads "A" and "B" to public (VDOT) standards, the existing gatehouse must be moved to a point beyond the end of the public segment of Road "A"; this relocation would therefore not impact this application (the Applicant on Sheet 10 of the plan set acknowledges that the gatehouse will need to be relocated). The Applicant should ensure that the ultimate gatehouse location will not conflict with VDOT standards for the cul-de-sac at the end of Road "A" (a ZMOD is requested to reduce the minimum distance that the gatehouse may be located from to the proposed ROW). OTS has no issues with the proximity of the approved conference center parking garage to the site. Issues resolved.*

Response: Comment acknowledged and appreciated.

Comment 6: Initial Staff Comment: *OTS staff appreciates the inclusion of the sidewalk and pedestrian trail network shown on the plan set. The Applicant should also identify and provide pedestrian connections between the proposed development and adjacent sections of Lansdowne as appropriate, including a pedestrian connection along the west side of Upper Belmont Place to the entrance to Belmont Ridge Middle School. All pedestrian connections should be constructed to AASHTO standards were appropriate.*



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Applicant's Response: The revised CDP includes a sidewalk along the west side of Upper Belmont Place to Belmont Ridge Middle School. However, connections between the proposal and Lansdowne are limited due to environmental constraints and existing topography.

Issue Status: OTS appreciates the inclusion of sidewalks along both sides of Upper Belmont Place between the site and Belmont Ridge Middle School. These sidewalks should be constructed to match other existing sidewalks in the vicinity of the school. The Applicant should explain, however, why the trail between the neighborhood to the conference center (shown on the previous version of the plan set in the north-central portion of the site) has been eliminated. Issue resolved pending adequate explanation of the trail issue.

Response: Comment acknowledged. Sheet 7 of the CDP has been revised to show the referenced trail connection.

Comment 7: The Applicant should clarify the discrepancy in buildout year (2011) trip generation figures between the ITE rates cited in the traffic study and addendum (1,945 VPD) (see Attachment 2) and the site-generated forecasted volumes on Upper Belmont Place immediately outside of the existing gatehouse (approximately 1,490 VPD) noted in the traffic study (PM peak hour forecasted volumes x 10) (as shown on traffic study Figure 7 (Attachment 8 in first OTS referral)).

Response: Figure 7 in the traffic study reflects the trips generated by the proposed development only. Daily traffic volume is not shown on Figure 7. Figure 8 shows future traffic volumes with the proposed development, which includes existing (conference center traffic) and site generated traffic volume. The 1,490 daily trips (west side) and the 2,340 daily trips (east side) combined together reflect the future volumes with development. Hence, there is a discrepancy, as the volumes shown are the future traffic volumes, not site generated volumes only.

Comment 8: Staff appreciates the Applicant's proposed transit contribution of \$500.00 per residential unit (total of \$108,000.00). However, since the time that Applicants began offering the \$500.00 per unit transit contribution several years ago, the cost of a commuter bus has increased by approximately 15% (from \$418,611.00 in 2003 to \$480,161.00 in 2008). Staff recommends that the Applicant's per unit contribution be increased by a corresponding percentage to reflect the County's increased capital costs.

Response: Comment acknowledged. As provided in the revised draft Proffers, the Applicant has increased the per unit transit contribution by 15% to \$575.

County of Loudoun, Parks, Recreation and Community Services

Comment 1: No proffers were submitted with this application. Please provide proffers for review.



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Applicant Response: A draft proffer statement has been included with this submission.

Issue Status: Resolved.

Response: Comment acknowledged and appreciated.

Comment 2: This project adds 219 single-family detached units to the Broad Run District, and offers no contribution to public recreation. The Ashburn Area is presently experiencing, and will continue to experience significant residential development. Additional development from new rezoning and by-right developments will place recreational facilities in further jeopardy from a capacity perspective. Developers of other subarea residential projects indicate in their applications that the area is supported by existing and planned public facilities. However, residents from both by-right and rezoned subdivisions add a significant demand on existing recreation facilities which make it difficult to keep pace with respective service demands. This application alone will have an immediate impact on existing and planned public recreational facilities in the area. The Applicant should demonstrate to Staff, the Planning Commission, and the Board of Supervisors how the recreational and leisure needs of these new residents will be met without further taxing the existing public recreational facilities in eastern Loudoun.

Applicant Response: The CDP has been revised to depict green spaces, trails, and active recreation space to demonstrate the provision of an appropriate amount of recreational and leisure needs.

Issue Status: PRCS appreciates the Applicant's contribution to the immediate community recreation needs of the future residents of this application. However, Staff still notes that these onsite amenities will not completely satisfy the recreational needs of the future residents of this project. The proposed onsite amenities will not completely mitigate the potential impact on existing public recreational facilities. Staff provides suggestions for mitigation in Comment 3 below.

Response: Comment acknowledged.

Comment 3: In conjunction with Comment 2, the Property is in close proximity to two County public parks, Lansdowne Sports Park and Elizabeth Mills Riverfront Park, which contains a portion of the Potomac Heritage National Scenic Trail. These parks are well-used and enjoyed by the Lansdowne community, which leads to significant wear and tear on the fields, trails, etc. PRCS would appreciate the Applicant's consideration of providing proffers or cash contributions to help improve these PRCS public recreational facilities. Specifically this would include field restoration and irrigation systems on the athletic fields at the Sports Park, as well as signage and footbridges along the Potomac Heritage National Scenic Trail in the Riverfront Park. These improvements may be subject to the draft 2007 PRCS Design and Construction Standards Manual.

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Applicant Response: The Applicant has included a commitment to capital facilities within the draft proffer statement. If the County chooses, monies allocated toward capital facilities can be utilized to improve these facilities.

Issue Status: In conjunction with Staff's response to Comment 2, the proposed onsite amenities will not satisfactorily offset the reliance of the future residents on public facilities. Future residents will require usage of public athletic fields, recreational and community centers, hiking trails, etc. Therefore, PRCS recommends that the Applicant proffer to further develop existing public recreational facilities within a 1-mile radius of the project area. Considering that the proposed development borders the Lansdowne Sports Park, these improvements could include, but would not be limited to, irrigation systems on the baseball and soccer fields, an interpretive nature/exercise trail, and/or lighting of the baseball and soccer fields. Staff recommends proffering one or more of these improvements, or earmarking a portion of the cash contribution specifically to one of these improvements.

Response: The Applicant appreciates that future residents of the Property will use open space facilities beyond the boundaries of the Property, however, it maintains that a contribution to the upkeep of these facilities should be provided from capital facility commitments discussed in the draft Proffers. It is also important to note that, as discussed on page 31 above, the draft Proffers have been revised to include a financial commitment towards the purchase of open space easements.

Comment 4: PRCS does not support Modification V, to "Allow Offsite Active Recreation and Open Space for the R-8 and R-16 Districts" without providing significant contributions to those offsite facilities. As highlighted in Comments 2 and 3, this modification would significantly impact active recreation and open space areas in the surrounding community that are already inadequate and overburdened.

Applicant Response: The Applicant has removed the requested modification from the application. The CDP has been revised to include civic space, green space, and active recreation space to mitigate impacts of the development.

Issue Status: Resolved.

Response: Comment acknowledged and appreciated.

Comment 5: The Loudoun County Bicycle and Pedestrian Mobility Master Plan (BPMMP), Chapter 4(B) (p. 33), Land Development Policy 6: "All land development applications shall provide bicycle and pedestrian access through the development in various directions, so as to prevent it from becoming a barrier between other trip origins and destinations in the community." In addition, BPMMP Land Development Policy 7 (p. 33), "All land development applications shall provide a sufficient number of bicycle and pedestrian access points to ensure efficient connections to and from the various activity nodes within the development and linkages to existing or future adjacent developments."

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The Applicant claims that the "Property offers a unique opportunity to create a... natural extension of the Lansdowne Community." However, only one main access point is provided to the proposed development and no bicycle and/or pedestrian connections are provided to any of the neighboring Lansdowne community streets, sidewalks, or trails. Staff specifically notes the opportunity to provide trails offsite to Kipheart Drive, Ridgeback Court, Boyer Fields Place, and the Lansdowne Recreation Center. The Applicant should demonstrate to Staff, the Planning Commission, and the Board of Supervisors how bicycle and pedestrian access to and through the development and connections to Lansdowne development are being met.

Applicant Response: Sheet 6 of the CDP shows an extensive trail and sidewalk system throughout the Property. The Applicant respectfully points out that pedestrian access cannot be provided to Kipheart Drive as land between the conference center is owned by a third party not a part of this application. Pedestrian access cannot be provided to Ridgeback Court or Boyers Field Place as improvements would impact environmentally sensitive areas, as well as require extensive clearing and grading that would remove substantial and healthy vegetation from the Property. The Applicant has elected to preserve this vegetation as a tree conservation area.

Issue Status: Unresolved. It appears that the only access to the proposed development is through the entrance off of Upper Belmont Place. As the Applicant has stated that it wishes to be an extension of Lansdowne, Staff is concerned with pedestrian connectivity.

In addition, Staff requests more information concerning the "third party" owner of the land between the conference center and Kipheart Drive. It appears that the land is a portion of the Lansdowne Sports Park, which is public property owned by the Board of Supervisors and administered by PRCS. PRCS is willing to partner with the Applicant to provide pedestrian connectivity from the proposed development to Lansdowne Sports Park and Kipheart Drive through what appears to be an emergency access point, further identified and discussed in Comment 11.

Response: Comment acknowledged. As discussed above, the Applicant has revised the CDP to propose a second entrance to the Property from Kipheart Drive. This second access will provide improved connections through the Property and to surrounding parts of the Lansdowne Community.

The proposed access to the Property will cross through land in the ownership of the Board of Supervisors and administered by PRCS and the Applicant would greatly appreciate any support that can be provided in the creation and provision of this second access.

Comment 6: The Loudoun County Bicycle and Pedestrian Mobility Master Plan (BPMMP), Chapter 4(A), Roadway Planning and Design Policy, Walkway and Sidewalk Policy 2(a) (p. 31): "Sidewalks in the Suburban Policy Area: Residential streets should have sidewalks with a minimum width of five (5') feet. PRCS notes that the Applicant has proposed to provide that all internal sidewalks will be a minimum of 5 feet. However, it is important to recognize that providing a wider width for sidewalks does not necessarily add to the safety of sidewalk bicycle travel. Utilizing or providing a sidewalk as a shared use path is unsatisfactory. Sidewalks are

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typically designed for pedestrian speeds and maneuverability and are not compatible with for higher speed bicycle use.

Applicant Response: The CDP has been revised to show sidewalks along all private streets. The draft proffer statement reflects a commitment throughout the Property.

Issue Status: Resolved.

Response: Comment acknowledged and appreciated.

Comment 7: It appears that the Concept Plan shows potential impact to wetlands. The Applicant should demonstrate to Staff, the Planning Commission, and the Board of Supervisors how the potential impact to wetlands will be mitigated.

Applicant Response: The draft proffer statement includes a commitment to providing LID techniques, where feasible, at time of site plan and/or subdivision record plat approval. Additionally, the development is currently permitted to drain into an off-site SWM/BMP pond to mitigate stormwater runoff and enhance water quality on the Property.

Issue Status: Resolved.

Response: Comment acknowledged and appreciated.

Comment 8: The Applicant is proposing to place portions of stream corridor and wetlands within open space. PRCS requests additional detailed information on any potential passive recreational uses within these open spaces (e.g., trails, etc.). In addition, Staff recommends that the open space have a Resource Management Plan that addresses the use, maintenance, target vegetation, wildlife management goals and methods, and other aspects of sustaining a functional and attractive natural, open space area. The management plan should also address how watershed protection is to be applied to ensure a healthy stream, diverse aquatic life, stable stream banks, and vibrant native vegetation. In addition, the management plan may also include opportunities and requirements for stream restoration.

Applicant Response: The Applicant has elected to preserve portions of the stream corridor and wetlands as tree conservation areas. These areas will be protected by tree conservation easements as specified in the proffer statement. The Applicant believes tree conservation areas are the best approach to minimizing impacts on environmentally-sensitive area while sustaining the natural environment.

Issue Status: Resolved.

Response: Comment acknowledged and appreciated.

Comment 9: PRCS strongly supports any efforts to protect and preserve wetlands, trees, and native vegetation because these contribute directly to protecting the health of surface water,

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groundwater, air quality, and aesthetics – all of which contribute to the health of the community's residents. Staff recommends that any substantial "tree save" area has a Forest Management Plan that addresses the use, maintenance, target vegetation, wildlife management goals and methods, and other aspects of sustaining a functional and attractive natural area. The management plan should address how multiple layers – overstory, understory, shrub and herbaceous layers – will be maintained to ensure the health and functionality of the vegetated open space.

Applicant Response: The Applicant has revised the CDP to identify tree conservation areas. A draft proffer is included to reflect this commitment.

Issue Status: Resolved.

Response: Comment acknowledged and appreciated.

Comment 10: On Sheet 3 of the Concept Plan, please label the portion of the Lansdowne Sports Park that is adjacent to the western boundary of the subject parcel.

Applicant Response: Sheet 3 of the CDP has been revised as requested by staff.

Issue Status: Unresolved. Staff notes that the Lansdowne Sports Park parcel is labeled as owned by the Loudoun County Board of Supervisors. However, PRCS respectfully requests that Sheet 3 be revised to specifically label the Lansdowne Sports Park and/or delineate the athletic fields, pavilions, basketball court, playground and parking lots.

Response: Comment acknowledged. Please see the revised CDP.

Comment 11: On Sheet 3 of the Concept Plan, an access drive serving the National Conference Center (NCC) is shown connecting to the intersection of Kipheart Drive and Thomas Lee Way. This access was not depicted on BLAD 2005-0032 as approved and recorded, of which the parcel was gifted to the County for the purposes of Lansdowne Sports Park. Therefore, the NCC does not currently have an ingress-egress easement across County property. Please revise or explain this discrepancy.

Applicant Response: The Applicant would like to point out that the access drive serving the National Conference Center is for emergency access purposes only.

Issue Status: Unresolved. The access physically exists; however, per approved BLAD 2005-0032, the emergency access and/or ingress-egress easement no longer legally exists. Please revise or explain this discrepancy, as this issue will need to be resolved prior to subdivision.

Response: The Applicant can confirm that this emergency access does legally exist. Please see Exhibit A, which is the deed of easement associated with this access.

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Virginia Department of Transportation (VDOT)

Comment 1: This site eliminates 727 surface parking spaces serving the conference center. This will reduce the conference center parking below the required number per the tabulation on sheet 2 of STPL 2005-0027.

Response: As discussed above, the Conference Center generates a need for 951 parking spaces. The Applicant intends to develop a parking garage to replace the need for the existing parking spaces on the proposed PD-H portion of the Property. There is currently 425 parking spaces serving the Conference Center outside of the proposed PD-H district and site plan approval has been granted for a further 528 surface parking spaces. Instead of developing these surface parking spaces only for them to be removed once the parking garage is developed, the Applicant seeks the ability to continue to use the existing surface parking space (within the PD-H district) until the proposed residential properties are developed. The ability to use the existing surface parking spaces is addressed in the revised draft proffers.

Comment 2: The zoning modifications requested include 10' front yards, which precludes parking a car in the driveway while opening the door of a front entry garage (full-size cars range from 16.4'-17.7' long); 5' side yards, precluding a driveway alongside the house (and potentially limiting emergency access to the rear); and 35' lot width, precluding more than one on-street parking space per lot.

Response: The Applicant is no longer seeking to modify required lot widths and yards as part of this application. As shown on Sheet 6 of the revised CDP, the proposal meets the parking requirements provided in the Zoning Ordinance.

Comment 3: We strongly recommend that the internal streets be designed to be eligible for acceptance into the VDOT system. Therefore, we recommend denial of the zoning modification request to allow private streets with lesser design standards.

Response: The Applicant is willing to design internal streets to be eligible for acceptance into the VDOT system.

Comment 4: The statement of justification repeatedly cites the intent to be a pedestrian oriented development as justification for the zoning modifications. Other than the nearby elementary school, the nearest pedestrian attractors are at the town center located three quarters of a mile away, three times the distance normally expected to favor pedestrian mode choice. Regardless of how pedestrian friendly the neighborhood design is purported to be, residents are unlikely to walk that distance down Upper Belmont Place.

Response: The Applicant has significantly reduced the number of zoning modifications requested as part of this application.



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I hope this addresses the various issues raised by Staff. Please contact me if you have any additional questions or need any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Ben Wales".

Ben I. Wales, AICP

cc James Gulson, Oxford Capital
Bob Woodruff, WHG&A
Antonio J. Calabrese, Cooley Godward Kronish LLP

367263 v3/RE



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March 6, 2008

Ms. Ginny Rowen
Planner
Department of Planning
1 Harrison Street, SE
3rd Floor
Leesburg, VA 20177

**RE: ZMAP 2007-0004, National Conference Center
Response to First Referral Comments**

Dear Ginny:

This letter constitutes our responses to the initial staff and agency comments that we have received regarding the initial submission of the above-referenced special exception applications. Enclosed are 15 copies of the revised special exception plat set and a revised copy of the proposed development conditions.

The staff/agency review comments are addressed below. Each agency's comments are summarized (noted in *italics*) and followed by our response.

Department of Transportation (comments dated October 22, 2007)

1. Comment: The statement of justification states that the applicant, at its sole option in the future, may construct structured parking under a separate application to serve the conference center. Until such time, how will the 727 surface parking spaces eliminated by this application be replaced?

Response: A site plan (STPL 2005-0027) has been approved on the PD-SA portion of the Property to accommodate the 727 surface parking spaces. The draft proffer statement includes language that requires the minimum parking associated with STPL 2005-0027 to be in place during construction activities for the development.

2. Comment: The zoning modifications requested include 10' front yards, which precludes parking a car in the driveway while opening the door of a front entry garage (full-size cars range from 16.4'-17.7' long); 5' side yards, precluding a driveway alongside the house; and 35' lot width, precluding more than one on-street parking space per lot.

Response: The Applicant envisions either rear-loaded or detached garages for the SFD or SFA units. The Illustrative Plan depicts a design that ensures adequate on-street parking and space within the driveway for a vehicle.

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3. Comment: We strongly recommend that the internal streets be designed to be eligible for acceptance into the VDOT system. Therefore, we recommend denial of the zoning modification request to allow private streets with lesser design standards.

Response: Road "A" and Road "B" designed as public streets will allow turning movements for VDOT vehicles without the need for accessing the private streets. In fact, the Applicant submits that the private road system will reduce the cost assumed by VDOT for maintenance and/or repair as it will be the responsibility of the HOA. With regard to the internal road system, it will be designed in accordance with the Facilities Standards Manual guidelines for private streets.

4. Comment: The statement of justification repeatedly cites the intent to be a pedestrian oriented development as justification for the zoning modifications. Other than the nearby elementary school, the nearest pedestrian attractors are at the town center located three quarters of a mile away, three times the distance normally expected to favor pedestrian mode choice. Regardless of how pedestrian friendly the neighborhood design is purported to be, residents are unlikely to walk that distance down Upper Belmont Place.

Response: The Applicant's intent was to develop a community designed for pedestrians rather than for vehicles. The proposal of interconnected streets with useable green space on the fringe and throughout the Property will encourage pedestrian interaction within a neighborhood community-like setting. The pedestrian activity is further justified with the provision of an extensive trail system throughout the Property. Therefore, the Applicant submits a design which promotes community interaction amongst the residents within the development.

Moreover, non-supportive uses are not envisioned for this area. Retail and restaurant uses would be isolated and would remove patrons from the designated corridors of Riverside Parkway for commercial activity.

Community Planning (comments dated October 22, 2007)

Land Use

1. Comment: Staff recommends the applicant provide information pertaining to the possible location of the 60 multi-family dwelling units and the associated acreage to determine the maximum number of dwelling units permitted. As currently proposed, 219 dwelling units at 4.8 dwelling units per acre exceeds the density as called for by the Plan.

Response: The Land Bay Tabulation Chart on Sheet 5 has been revised to identify the land bay and acreage associated with the multi-family units. Further, Section 7-103 clearly states the maximum net residential density for an active rezoning can reflect a 10 percent and 20 percent increase in density if the required number of ADU's are provided within the development. Moreover, in the event the maximum net residential density exceeds the density called for by the Revised General Plan, Section 7-103 states that the Revised General Plan density shall therefore be increased up to 10 and 20 percent, respectively. The ADU Chart on Sheet 5 of the

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CDP reflects the maximum net residential density inclusive of ADU's that is consistent with the Zoning Ordinance requirement.

Site Design

2. Comment: Staff recommends redesigning the site to create a compact site layout with interconnected streets. This could be achieved by relocating landbays A-1 and A-2 to an area south of the floodplain. Furthermore, additional access to the National Conference Center site needs to be provided in order to remove the conflicts associated with through traffic.

Response: The Applicant believes the design is a compact site layout with interconnected streets that is oriented to preserving existing vegetation to the greatest extent feasible while using the topography to minimize impacts on the environmentally sensitive areas. Land Bays A-1 and A-2 have been removed from the development to further the compact site layout design and to assist in the mitigation impacts on the environmentally sensitive areas. Secondary access cannot be provided given the environmental constraints on the Property and that land between the next feasible location is owned by a third party that is not a part of this application. Therefore, Road "A" and Road "B" will be constructed as public roads to accommodate commercial and residential traffic.

3. Comment: Staff recommends that the proposed plans specify the location of street trees and street lighting throughout the project. Staff additionally recommends providing sidewalks on both sides of all streets consistent with the Bike/Ped Plan. Staff requests information pertaining to the width and materials proposed for the trail. Trails located within the river and stream corridor resource should consist of a permeable material.

Response: The Illustrative Plan Sheet of the CDP depicts conceptual locations for street trees and sidewalks throughout the development. Sheet 6 of the CDP depicts trails and connections throughout the Property. The Applicant has included a commitment within the proffer statement ensuring that lighting will be directed downward and fully shielded. The Applicant does not anticipate impacting the river stream corridor with trails.

4. Comment: Staff further recommends on-street parking and a commitment to recessed garages thereby emphasizing the pedestrian entrance. Staff requests information regarding lot sizes be submitted for review. Lastly, staff recommends a commitment to energy efficient design and construction principles.

Response: Sheet 6 of the CDP provides typical road sections that depict on-street parking for private streets. The Applicant will encourage homebuilders to utilize efficient design and construction principles at time of construction. However, a commitment to Staff at this time is premature as final engineering has not been determined and a homebuilder has not been selected for the development. The Applicant would like to reduce the need for additional

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legislative approvals. The Applicant would like to point out that the Zoning Tabulation Chart on Sheet 5 shows the minimum lot requirements (i.e. setbacks, lot coverage, lot width, and building height).

Public Park and Open Space

5. Comment: Staff recommends revising the CDP to show 13.74 acres of open space, 10.31 acres of which should be interior open space. Staff requests information regarding the types of facilities proposed and the size of the facilities to ensure the intent of the Plan is being met.

Response: Approximately 15.29 acres of the Property has been committed toward public park and open space uses. Sheet 5 of the CDP has been revised to identify the size and locations of useable interior green space within the Property. Further, the Illustrative Plan has been revised to illustrate courtyard and other incidental green space.

Public and Civic Space

6. Comment: Staff recommends revising the CDP to show 4.58 acres of public and civic space.

Response: The application has been revised to include the existing fitness center within the community. The existing fitness center is approximately 35,000 square feet in size and includes pools, tennis courts, basketball courts, and meeting space. This commits 7.88 acres of the Property for public and civic uses. The Applicant believes the amenities will provide the appropriate amount of recreational and leisure needs for the residents.

River and Stream Corridor Resources

7. Comment: Staff recommends revising the submitted plats to include all the elements of the river and stream corridor resources as called for in the Plan. Staff recommends redesigning the site locating development outside of the river and stream corridor resources. Staff further recommends the applicant commit to permeable materials for trails located within the river and stream corridor resource. Staff defers to the department of Parks, Recreation, and Community Services regarding dedication of the river and stream corridor resource for a passive linear park.

Response: In its efforts to preserve the green spine, Applicant has revised the CDP to identify tree conservation areas between the development and the critical natural resource to assist in the mitigation of impacts. Further, the Applicant would like to point out that no new trail connections are being proposed along the environmentally sensitive area. The Applicant believes the provision of tree conservation areas throughout the Property is the best approach to minimizing impacts on environmentally sensitive areas while sustaining the natural environment.

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Surface Water

8. *Comment: Staff recommends the identification of wetlands on site. Staff further recommends drainageways and wetlands be preserved to the greatest extent possible. Staff requests information pertaining to the preservation and mitigation of these resources. If the disturbance of some of these features cannot be avoided, staff recommends on-site mitigation as a first priority or within the same Community of the Suburban Policy Area.*

Response: Majority of the surface waters will remain open and undisturbed as no new road crossings are being proposed with this development. The CDP has also been revised to identify wetlands with tree conservation areas around surface water features, where feasible. The Applicant submits the tree conservation areas will preserve the natural habitat and mitigate impacts on surface water. The draft proffer statement include language requiring LID techniques at time of subdivision record plat or site plan approval to assist with on-site mitigation.

Stormwater Management

9. *Comment: Staff recommends relocating the eastern stormwater management pond to an area outside of steep slopes. Given that surface water from the proposed neighborhood will eventually drain into the Potomac River, staff encourages the applicant to consider measures that can treat the quality of the water near proposed impervious areas using LID techniques.*

Response: The Property is currently permitted to drain into off-site SWM/BMP ponds to mitigate stormwater runoff and enhance water quality. As noted above, the draft proffer statement include language requiring LID techniques, if required, at time of subdivision record plat or site plan approval to assist with on-site mitigation.

Steep Slopes

10. *Comment: Staff recommends revising the CDP, locating development outside of steep slope areas. Staff recommends the applicant commit to best management practices and reduced locational clearances for clearing and grading on moderately steep slopes. Staff also recommends the applicant commit to measures to be taken on residential lots to minimize forest clearing. Homeowners' association documents should include a discussion of the potentially adverse effects of residential fertilizers, herbicides, pesticides, and animal wastes on water quality.*

Response: The Applicant does not anticipate impacting natural existing steep slopes on the Property except for sanitary sewer facilities. Manufactured steep slopes (i.e. stockpiles) as shown on the CDP will be removed from the Property, used in constructing the parking spaces associated with STPL 2007-0025, or used in construction activities for this development.

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Forests, Trees, and Vegetation

11. *Comment: Staff recommends delineating potential specimen trees on the Existing Conditions Map and incorporating into the design of the site. Staff recommends relocating the eleven homes proposed for landbays A-1 and A-2 and designating this area as a TCA. Staff further recommends designating the river and stream corridor resource and steep slope areas as TCAs. Staff defers to the ERT regarding preservation techniques for the designated tree conservation area.*

Response: The Applicant has revised the CDP to show tree conservation areas. The draft proffer statement reflects this commitment. Land Bays A-1 and A-2 have been removed as requested by staff. The Applicant would like to note that the Tree Stand evaluation illustrates a majority of the specimen trees within proposed locations for tree conservation on the CDP. Therefore, a majority of the specimen trees will be preserved on the site.

Historic and Archeological Resources

12. *Comment: All land development applications will be required to submit an archaeological and historic resources survey (Revised General Plan, Policy 11, p. 5-36). The applicant has submitted a Phase 1 Archeological Survey dated December 2004. Staff's review of the submitted report will be sent under separate cover.*

Response: Comment acknowledged.

Lighting

13. *Comment: Staff requests a description of any proposed roadway lighting and lighting of common areas to assess conformance with Plan policies. Staff recommends including language that lighting shall be shielded to direct light downward and will be fully cut-off to ensure that off-site glare will be at a minimum.*

Response: The Applicant has included proffer language ensuring that lighting will be directed downward and fully shielded.

Affordable Housing/Unmet Housing Needs

14. *Comment: Staff recommends that ADUs be provided that are of various unit types and are dispersed throughout the community. Staff further recommends that in addition to ADUs, the applicant provide a commitment that addresses the full spectrum of unmet housing needs up to 100 percent of the AMI.*

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Response: The proffer statement includes a commitment to meeting ADU requirements. Further, the proffer statement includes a commitment to providing workforce housing for individuals that make between 0 and 100 percent of the AMI for the Washington area.

Zoning Modifications

15. Comment: Staff does not support the following Zoning Ordinance Modifications:

- The use of offsite active recreation and open space to satisfy the minimum required active recreation and open space and
- The provision of vehicular traffic associated with the National Conference Center to access the site through the proposed residential community.

Staff recommends revising the CDP to outline where the reduction in yard requirements between commercial and residential districts is being requested. Staff requests the landscape plan be submitted for staff's review.

Response: The Applicant has revised the application to include the existing fitness center, and to provide open space and civic space. Therefore, the modifications to permit the use of off-site active recreation space and open space have been removed from the application. The Applicant has removed the request to reduce the yard requirements between commercial and residential districts. The Illustrative Plan sheet of the CDP identifies conceptual locations for street trees and landscaping on the Property. The majority of the existing vegetation along the fringes of the Property will be preserved as tree conservation areas and will serve as attractive buffering for the community. As noted above, secondary access cannot be provided given the environmental constraints on the Property and that land between the next feasible location is owned by a third party not a part of this application.

Capital Facilities

16. Comment: Staff recommends that the impacts of the proposed development be mitigated.

Response: The Applicant has incorporated the recommended capital facilities contribution within the draft proffer statement.

Open Space Program

17. Comment: Staff recommends the application contribute land or provide an open space easement contribution equivalent to the cost of purchasing open space in the Ashburn Community.

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Response: The Applicant respectfully points out that Staff has referenced the incorrect open space program guideline. Residential developments above 4.0 dwelling units per acre are to be calculated at 0.05 easements in lieu of 1.0 easement for every dwelling unit above the base density. The Applicant has incorporated the appropriate open space easement contribution within the draft proffer statement.

Health Department (comments dated August 27, 2007)

1. Comment: The Health Department recommends approval of this application.

Response: The Applicant is appreciative of Staff's support for this application.

Department of Building and Development – ERT (comments dated September 13, 2007)

The ideal environmental development

1. Comment: Notwithstanding the following comments, ERT most strongly recommends a design that limits development to the area within the perimeter of the existing parking lot area, without losing development yield. Based on the site visit, the existing hardwood forest cover is young, diverse, and likely to thrive for over a century if left undisturbed. This habitat has almost disappeared from this area of the county. This approach would meet virtually all green infrastructure policies in Chapter 5 of the Revised General Plan (RGP). It would also remove most if not all stormwater management requirements to the extent that it would not increase existing impervious cover.

Response: The Applicant proposes no new road crossings of the stream corridor that traverses the site. Land Bays A-1 and A-2 have been converted into open space to preserve vegetation and wildlife habitat. The development and roadway network has been designed to utilize the topography to minimize impacts on the environmentally sensitive areas, particularly the green spine. Tree conservation areas are proposed along the edge of floodplain to assist in the mitigation of impacts. Further, a proffer commitment is included to determine appropriate LID techniques at time of site plan and/or record subdivision plat approval. ERT's comment is ridiculous and off base. The Applicant suggests that ERT reconsider the comment with respect to the Applicant's design and commitments with regards to preserving the "critical" natural environment.

Depiction of stream and forest resources

2. Comment: The applicant justifies a dense residential footprint in part by claiming that the "green spine" of the property is protected from development. While this is a laudable concept, several important assessments are missing that would validate this approach, including the following:

- No depiction of the river and stream corridor, consistent with river and stream corridor policy guidance on page 5-6 through 5-10 of the Revised General Plan.*

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- *No jurisdictional determination of wetlands or waters of the United States, as required for development that disturbs these resources, per the Clean Water Act.*
- *No description and location of specimen trees on site, even though this site possesses significant hardwood forest stands, especially near the minor floodplain in areas that anchor steep slopes.*

Please include this information with the next submittal. Doing so will demarcate areas that should not be fractured by sanitary sewer connections, stormwater infrastructure, and limits of clearing and grading.

Response: The CDP has been revised to depict the Army Corps of Engineers Jurisdictional Determination for wetlands and the County's river and stream corridor on the Property. The Applicant respectfully points out that the Tree Stand evaluation illustrates a majority of the specimen trees within proposed locations for tree conservation on the Property.

Depiction of steep slopes

3. *Comment: Staff strongly recommends depicting steep slopes for this project based on two-foot contour intervals, as required for a construction plan and profile or site plan submission in Chapter 8 of the Facilities Standards Manual. Frequently, areas of moderately steep slopes will be re-classified as very steep slopes when the five-foot topographic information available on the county geographic information system is revised. Concept development plans for other applications have required revisions at the construction plan or site plan stage because revised topographic information changed very steep slope depictions, causing shifts in proposed infrastructure locations based on Section 5-1508 of the Revised 1993 Zoning Ordinance (ZO).*

Response: The Applicant has revised Sheets 2 and 7 of the CDP to depict steep slopes based on two-foot contour intervals.

Tree conservation

4. *Comment: The Forest, Trees, and Vegetation Policies of the RGP encourage the preservation of existing vegetation (Page 5-32). The application indicates no commitment to preserving and conserving tree resources. Staff recommends that tree conservation areas be depicted on the concept development plan and further recommends a tree conservation commitment consistent with the following, which has been approved by the County Arborist, to ensure preservation of identified Tree Conservation Areas.*

"Within the areas identified on the Concept Development Plan (CDP) as "Tree Conservation Areas," the Owner shall preserve healthy trees provided, however, that trees may be removed to the extent necessary for the construction of trails and Stormwater Management Facilities that are required pursuant to the proffers and/or shown on the approved construction plans and profiles as lying within such Tree

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Conservation Areas and for the construction of utilities necessary for development of the Property. A minimum of eighty (80) percent of the canopy within the cumulative Tree Conservation Area depicted on the CDP will be preserved, exclusive of stands of Virginia Pine over 25 years in age. In the event that the eighty (80) percent canopy threshold cannot be achieved within the designated Tree Conservation Areas, such lost canopy will be recaptured elsewhere onsite in locations to be designated at the discretion of the Owner in consultation with the County. Boundaries of all Tree Conservation Areas shall be delineated on the record plat recorded for each section of the development."

"If, during construction on the Property, it is determined by the Owner's certified arborist and/or the County that any healthy tree located within the boundaries of any of the Tree Conservation Areas described in this proffer has been damaged during construction and will not survive, then, prior to any subsequent bond release for the Property, the Owner shall remove each such tree and replace each such tree with two (2) 2½ - 3 inch caliper native, non-invasive deciduous trees. The placement of the replacement trees shall be proximate to the area of each such damaged tree so removed, or in another area as requested by the County."

"The HOA documents shall include a provision that prohibits removal of trees in Tree Conservation Areas as shown on the record plat after construction has been completed by the Owner without specific permission of the County Forester except as necessary to accommodate Forest Management Techniques, performed by or recommended by a professional forester or certified arborist, that are necessary to protect or enhance the viability of the canopy. Such Management Techniques may include, without limitation, pruning and the removal of vines, invasive species, trees uprooted or damaged by extreme weather conditions, and trees or limbs that are diseased, insect-infested, dead, or are considered a hazard to life or property. The HOA documents shall clearly state that such provisions prohibiting tree removal shall not be amended by the Owner or the HOA without written approval from the County. The record plat for each portion of the Property containing a Tree Conservation Area shall contain a note stating that the removal of trees within a Tree Conservation Area is prohibited except in accordance with the Declaration of Covenants."

Response: The Applicant has identified tree conservation areas on the CDP. The draft proffer statement includes a commitment to tree conservation areas.

Stream and wetland preservation, mitigation

5. Comment: Staff recommends that that a commitment be provided to mitigate stream and wetland impacts associated with the project as follows: 1) onsite, 2) within the same 8-digit hydrologic unit code (HUC) within the same Loudoun County Planning Policy Area, 3) within the same 8-digit HUC outside the Loudoun County Planning Policy Area, and 4) Loudoun County, subject to approval by the U.S. Army Corps of Engineers (Corps) and the Virginia Department of Environmental Quality (DEQ). If no such areas are available within the County as verified by

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County Staff, the applicant shall be permitted to provide wetland mitigation outside of Loudoun County.

Response: The Applicant has incorporated appropriate wetland mitigation language within the draft proffer statement.

6. Comment: Locating mitigation in close proximity to the proposed impacts is imperative to minimizing the effects of the proposed project on water quality and wildlife habitat, matters for consideration outlined in Section 6-1211.E.9 of the Revised 1993 Loudoun County Zoning Ordinance. Furthermore, this approach is consistent with Policy 23 on Page 5-11 of the RGP, which states that "the County will support the federal goal of no net loss to wetlands in the County," and the County's overall strategy to protect its existing green infrastructure elements and to recapture elements where possible (RGP, Page 6-8, Green Infrastructure Text).

Response: The Applicant does not anticipate impacting any wetlands on the Property. Tree conservation areas have been depicted along the edge of the wetlands to enhance water quality and preserve wildlife habitat.

Regarding stormwater management

7. Comment: Staff recommends several measures to maintain water quality during construction and thereafter, including the following:

- *All erosion and sediment control practices must adhere to Chapter 1220 of the Codified Ordinances of Loudoun County, Chapter 7 of this manual, and the latest edition of the Virginia Erosion and Sediment Control Handbook. In addition, the following more protective measures will be applied to the project:*

- *Super silt fence will be substituted for silt fence in all perimeter locations.*
- *Sediment traps and basins will provide double the minimum required volume (286 cubic yards per acre), except that this volume may be reduced to avoid impacts to sensitive environmental features (e.g., streams, wetlands, forest cover, steep slopes).*
- *The use of stabilization matting will be expanded to aid in establishment of vegetation.*
- *Development phasing will be utilized to avoid extensive areas of disturbance for extended periods of time.*
- *The Surface Water Policies within the RGP support the implementation of Low-Impact Development (LID) techniques (Page 5-17). ERT suggests incorporation of rainwater harvesting from proposed rooftops for landscaping purposes and infiltration best management practices (BMP) to maintain existing hydrology, including the replenishment of the groundwater table that is listed in Issue M of Revised ZO*

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Section 6-1310. LID is a stormwater management approach designed to replenish groundwater that is important to maintaining base flow in streams.

- *BMP design should consider the highest feasible phosphorous removal percentage, based on design guidelines in the Virginia Stormwater Management Handbook. For example, a BMP design of extended dry ponds can achieve a higher nutrient removal percentage as an equally constructible extended enhanced facility.*

Response: The draft proffer statement includes a commitment to providing a super silt fence along the perimeter of the Property during construction activities. The draft proffer statement further includes a commitment requiring the Applicant to work with County staff at time of subdivision record plat and/or site plan approval to determine which LID techniques may be feasible for the Property. The Applicant believes these commitments will provide adequate measures to maintain water quality.

Regarding Green Building Practices

8. Comment: Staff recommends developing a feasible, effective green building commitment for this application. The Board of Supervisors recently adopted CPAM-2007-0001, housing policy that includes Guiding Principle Policy 12: "The county encourages development that utilizes energy efficient design and construction principles, promotes high performance and sustainable buildings, and minimizes construction waste and other negative environmental impacts." Several feasible, practicable standards exist for green neighborhood development, including but not limited to EarthCraft, LEED for Homes, and green building standards promulgated by the National Association of Home Builders. One particular focus of the green building commitment should address reuse or recycling of the existing parking surfaces.

The referenced commitment is also consistent with the General Water Policies supporting long-term water conservation (Policy 1, Page 2-20), the Solid Waste Management Policies supporting waste reduction, reuse, and recycling (Policy 2, Page 2-23), and the Air Quality Policies supporting the creation of pedestrian and bicycle facilities (Policy 1, Page 5-41). Furthermore, the County encourages project designs that ensure long-term sustainability, as discussed in the Suburban Policy Area, Land Use and Pattern Design text (Page 6-2).

Response: The Applicant will encourage homebuilders to utilize efficient design and construction principles at time of development. However, the Applicant would like to avoid a commitment associated with this application to reduce the need for additional legislative approvals.

Regarding digital data

9. Comment: Staff is embarking on a project to map and inventory wetlands and cultural resources located within Loudoun County. We are requesting that the development community contribute digital data to this effort. Specifically, two separate digital data layers are requested, one depicting the Corps-approved wetland delineation (including jurisdictional waters and

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wetlands) and the other locating the sites and structures identified in the Phase 1 Archaeological Survey. Loudoun County's GIS uses ESRI software and can import .DXF data. Our coordinate system is Virginia State Plane. Datum NAD 83 data is preferable, if available. Documentation on the digital data (e.g., map scale, age, etc.) is requested. If this information cannot be provided prior to approval of the rezoning application, staff recommends that a commitment be provided indicating when this information will be submitted to the County.

Response: The Applicant will provide digital data of U.S Army Corps of Engineer approved wetland delineations on the Property to the County prior to approval of the first record subdivision plat and/or site plan.

Regarding noise impacts

10. Comment: ERT encourages consideration of a noise impact study to determine the need for buffers or acoustical treatment to homes located near the access roads for the Xerox facility. This application contemplates co-location of a commercial access with residential access for this development, while also proposing close proximity of the residential facades to the streets.

A noise impact study should be conducted by a certified professional engineer and submitted to the County concurrently with the first site plan or construction plan, whichever is first in time. The study should anticipate the traffic volume expected 20 years in the future, the ultimate road configuration, and design speed. Noise impacts occur if noise levels substantially exceed the existing noise levels (a 10 decibel increase over existing levels) or approach (one decibel less than), meet, or exceed the Noise Abatement Criteria identified in the Revised Countywide Transportation Plan. For all impacted uses, noise attenuation measures shall be provided along the specified roadways sufficient to mitigate the anticipated noise impacts prior to the issuance of occupancy permits for any impacted structures. Noise attenuation shall result in noise levels less than impact levels (2 decibels less than the Noise Abatement Criteria) and shall result in a noise reduction of at least 5 decibels.

Response: The Applicant does not anticipate the need for noise attenuation measures as the ultimate road section for Road "A" and "B" will be a 2-lane section at a design speed of 25 mph to reduce noise impacts associated with vehicular traffic (i.e. speeding). Further, the development proposal reduces am, pm, and average daily trips in comparison to the approved PD-SA zoning on the Property. The development will have less of an impact on the surrounding area than the existing PD-SA zoning district. Therefore, no noise study is required.

Office of Transportation Services (comments dated October 2, 2007)

1. Comment: After review of the submitted traffic study, staff requests that the Applicant provide existing and future traffic analyses for the intersection of Upper Belmont Place and Riverpoint Drive. Based on the traffic counts provided for the intersection of Belmont Ridge Road/Upper Belmont Place and Riverside Parkway (see Attachment 5), there appears to be significant existing traffic volumes at the intersection of Upper Belmont Place and Riverpoint Drive (approximately 8,000 ADT use the segment of Upper Belmont Place between Riverside



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Parkway and Riverpoint Drive; this amount is anticipated to increase to approximately 14,540 ADT by project buildout in 2011 (see Attachment 9)).

Response: The Applicant respectfully points out that the proposed development traffic constitutes 13.5 percent of the total projected traffic by 2011 along Upper Belmont Place. Further, the development proposal reduces the am, pm, and average daily trips on the regional roadway network in comparison to the approved PD-SA zoning on the Property. Therefore, there is no need to require the Applicant to study this intersection since the development's traffic contribution will have a de minimus or negligible impact.

2. Comment: The proposed configuration of the residential development and road network would result in all conference center traffic (including trucks and other service vehicles) having to pass through the residential area (the Applicant is requesting a Zoning Modification to allow such a configuration). The proposed road network would create numerous conflicts between the residential uses and commercial traffic, though the Applicant's justification for the proposed ZMOD makes no mention of such issues. OTS recommends that the site be re-designed to provide separate conference center access that does not traverse the proposed residential development. Further discussion on this matter is necessary.

Response: Additional access would be difficult to provide given the topography, the environmentally sensitive areas on the Property, and the lack of ownership of the surrounding area. The Applicant assumes Road "A" and Road "B" as public roads will create a smoother traffic flow and more efficient traffic pattern to accommodate residential and commercial traffic in a safe environment.

3. Comment: The application proposes to allow all 219 residential units to use a single point of access. This amount is nearly three times the maximum of 80 units that are permitted by the Zoning Ordinance. Given the number of units proposed to use this sole access point, as well as the additional conference center traffic that will need to traverse the residential development, OTS believes that additional ingress and egress points should be studied. Further discussion on this matter is necessary.

Response: As discussed above, Additional access would be difficult to provide given the topography, the environmentally sensitive areas on the Property, and the lack of ownership of the surrounding area. Further, the proposed development will reduce traffic volumes by 70 percent on a daily basis and Roads "A" and "B" have been redesigned as public streets to accommodate traffic.

4. Comment: The plan set should clearly state that all roads within the proposed development are to be private (not publicly maintained) and will be built to applicable Loudoun County Facilities Standards Manual (FSM) standards. Typical sections for each roadway type (category) should be included in the plan set. If the design of the road network as proposed is to be retained, Roads "A" and "B" may need to be designed and built to VDOT (public) road standards as these roads serve a use (conference center) that is not permitted in the PD-H4 zoning district (OTS defers to Zoning Administration regarding the need for public roads).

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Response: The CDP has been revised to show Roads "A" and "B" as public roads. The Applicant would also like to point out that Sheet 6 of the CDP includes typical road sections for all roadways.

5. Comment: The Applicant should indicate as to whether the existing conference center gatehouse will be relocated to a point further north on Upper Belmont Place or if it will remain in its current location (the latter scenario would place the proposed residential units within the gated area). The location of the proposed conference center parking garage, while located outside of the rezoning area, should also be indicated so its relationship to the proposed residential units can be determined.

Response: As final engineering for the gatehouse and parking garage has yet to be determined, the Applicant believes it is premature to commit to a location at this time. The Applicant submits that the 50-foot Type III buffer will provide adequate buffering and screening from non-residential uses on the PD-SA portion of the Property.

6. Comment: OTS staff appreciates the inclusion of the sidewalk and pedestrian trail network shown on the plan set. The Applicant should also identify and provide pedestrian connections between the proposed development and adjacent sections of Lansdowne as appropriate, including a pedestrian connection along the west side of Upper Belmont Place to the entrance to Belmont Ridge Middle School. All pedestrian connections should be constructed to AASHTO standards were appropriate.

Response: The revised CDP includes a sidewalk along the west side of Upper Belmont Place to Belmont Ridge Middle School. However, connections between the proposal and Lansdowne are limited due to environmental constraints and the existing topography.

Public Schools (comments dated September 7, 2007)

1. Comment: School Board staff has reviewed the zoning map amendment for the National Conference Center. Based on the 2005 Virginia-County of Loudoun School Census, the proposed 50 single family detached and 169 single family attached units will generate a total of 120 school-age children: 62 elementary school-age children (grades K-5), 26 middle school-age children (grades 6-8), and 32 high school-age children (grades 9-12).

Response: The Applicant offers the following response to address School Administration's comment:

Belmont Ridge Middle School and Stone Bridge High School Student Capacity Ratings:

Belmont Ridge Middle School currently enrolls 1,072 students and has a projected capacity rating of 1,196 students. As a result, the school can accommodate an additional 124 students. By full build-out in 2015, the development will generate 23 additional middle-school aged children which will reduce the capacity of Belmont Ridge to 101 students.

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Stone Bridge High School currently enrolls 1,709 students and has a projected capacity rating of 1,618 students. Therefore, the school is over the projected capacity rating by 91 students. By full build-out in 2015, the development will generate 48 additional high-school aged children; and as a result, the school will exceed the projected capacity by 139 students with the Applicant's development.

Development's Negligible Impacts at Belmont Ridge and Stone Bridge High School:

School Administration has noted the development would have a negligible impact on these schools. Staff has clarified that the development's student generation will not create a capacity issue at these schools. The Applicant's proposal will not prompt a boundary change to remove students already attending the schools to accommodate the development. Further, staff noted it has undertaken efforts to fund the construction of additional schools within the Belmont Ridge/Stone Bridge planning zone (Loudoun Valley Estates and Brambleton vicinity) to help alleviate capacity levels at these schools.

Selden's Landing Elementary School Student Capacity Rating:

School Administration has noted a projected capacity rating of 909 students at Selden's Landing. The enrollment for the school is at 1,052 students; however, the recent boundary change (removal of Camden Apartments, University Centre, and Potomac Farms/Smith Circle area) of the Selden's Landing planning zone will reduce school enrollment to approximately 877 students for the 2008-2009 year. School Administration will be re-evaluating the projected student growth and capacity rating to determine if there are any detrimental impacts on school programs. The Applicant would like to point out that School Administration recommends a capacity rating of 95 percent. The 2008-2009 school year enrollment represents a 96 percent capacity rating. The Applicant's additional 54 elementary school-aged children will increase the enrollment to 2 percent over the capacity rating.

Development Build Out and its impact on Selden's Landing:

Importantly, the Applicant anticipates the first elementary school-aged children for this development will not be entering any of these schools until 2012 due to the current housing market and the County approval process to construct the development. In the event the application is approved in a timely fashion, the Applicant could submit a subdivision plan for approval in late 2009 or early 2010. Subsequently, the Applicant could request building/zoning permits to begin construction in late 2010 or early 2011. Completion of the first houses of this development would then occur in 2012. It will likely require 2-3+ years for full build-out to occur. Additional elementary schools will be online to relieve capacity levels at Selden's Landing during this period. Further, this long period of County review and phased-in development from 2008-2015 will allow School Administration to re-evaluate the student growth appropriately to ensure that capacity levels are adequate to maintain programs for student development. In fact, the Applicant submits that when the development is complete and online in 2015, it will supplement the capacity rating to maintain adequate programs at Selden's Landing.

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Applicant's Capital Facilities Proffer.

The Applicant's substantial, proffered capital facilities contribution can be used by the County to fund school capital costs, operational costs, or educational services for Selden's Landing.

2. Comment: The lack of safe walking paths for students within subdivisions creates a growing safety hazard and increase operational costs. Similar circumstances are emerging in the county's new subdivisions. In order to ensure that students residing within the National Conference Center property can safely walk to and from school and/or bus stop locations, pedestrian walkways should be provided and allow for public access easements.

Response: The rezoning provides for a network of internal sidewalks as shown on Sheet 6 of the revised CDP. The Applicant also proposes a sidewalk connection to Belmont Ridge Middle School along the west side of Road "A" to provide a safe walking path for students.

Economic Development (comments dated October 24, 2007)

1. Comment: The applicant is encouraged to consider retaining a commercial buffer around the National Conference Center. The Department of Economic Development would welcome the opportunity to work with the applicant on viable commercial uses surrounding the National Conference Center. The addition of residential will likely have negative impacts on the future of the National Conference Center in a protected campus like setting.

Response: Reconfiguring the approvals on the Property provides the Applicant with a unique opportunity to develop the Property in manner that is more compatible with the surrounding land uses. In fact, the Applicant believes the approval of the development would make the PD-SA land more attractive to non-residential users and would increase the value of the existing residential development. As one of the top employers in the County, the proposal provides desirable housing close to employment. Moreover, non-supportive uses are not envisioned for this area. Retail and restaurant uses would be isolated and would remove patrons from the designated corridors of Riverside Parkway for commercial activity.

Parks and Recreation (comments dated November 15, 2007)

1. Comment: No proffers were submitted with this application. Please provide proffers for review.

Response: A draft proffer statement has been included with this submission.

2. Comment: This project adds 219 single-family detached units to the Broad Run District, and offers no contribution to public recreation. The Ashburn Area is presently experiencing, and will continue to experience significant residential development. Additional development from new rezoning and by-right developments will place recreational facilities in further jeopardy from a capacity perspective. Developers of other subarea residential projects indicate in their applications that the area is supported by existing and planned public facilities. However,

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residents from both by-right and rezoned subdivisions add a significant demand on existing recreation facilities which make it difficult to keep pace with respective service demands. This application alone will have an immediate impact on existing and planned public recreational facilities in the area. The Applicant should demonstrate to Staff, the Planning Commission, and the Board of Supervisors how the recreational and leisure needs of these new residents will be met without further taxing the existing public recreational facilities in eastern Loudoun.

Response: The CDP has been revised to depict green spaces, trails, and active recreation space to demonstrate the provision of an appropriate amount of recreational and leisure needs.

3. Comment: In conjunction with Comment 2, the Property is in close proximity to two County public parks, Lansdowne Sports Park and Elizabeth Mills Riverfront Park, which contains a portion of the Potomac Heritage National Scenic Trail. These parks are well-used and enjoyed by the Lansdowne community, which leads to significant wear and tear on the fields, trails, etc. PRCS would appreciate the Applicant's consideration of providing proffers or cash contributions to help improve these PRCS public recreational facilities. Specifically this would include field restoration and irrigation systems on the athletic fields at the Sports Park, as well as signage and footbridges along the Potomac Heritage National Scenic Trail in the Riverfront Park. These improvements may be subject to the draft 2007 PRCS Design and Construction Standards Manual.

Response: The Applicant has included a commitment to capital facilities within the draft proffer statement. If the County chooses, monies allocated toward capital facilities can be utilized to improve these facilities.

4. Comment: PRCS does not support Modification V, to "Allow Offsite Active Recreation and Open Space for the R-8 and R-16 Districts" without providing significant contributions to those offsite facilities. As highlighted in Comments 2 and 3, this modification would significantly impact active recreation and open space areas in the surrounding community that are already inadequate and overburdened.

Response: The Applicant has removed the requested modification from the application. The CDP has been revised to include civic space, green space, and active recreation space to mitigate impacts of the development.

5. Comment: The Loudoun County Bicycle and Pedestrian Mobility Master Plan (BPMMP), Chapter 4(B) (p. 33), Land Development Policy 6: "All land development applications shall provide bicycle and pedestrian access through the development in various directions, so as to prevent it from becoming a barrier between other trip origins and destinations in the community." In addition, BPMMP Land Development Policy 7 (p. 33), "All land development applications shall provide a sufficient number of bicycle and pedestrian access points to ensure efficient connections to and from the various activity nodes within the development and linkages to existing or future adjacent developments."

The Applicant claims that the "Property offers a unique opportunity to create a... natural extension of the Lansdowne Community." However, only one main access point is provided to

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the proposed development and no bicycle and/or pedestrian connections are provided to any of the neighboring Lansdowne community streets, sidewalks, or trails. Staff specifically notes the opportunity to provide trails offsite to Kipheart Drive, Ridgeback Court, Boyer Fields Place, and the Lansdowne Recreation Center. The Applicant should demonstrate to Staff, the Planning Commission, and the Board of Supervisors how bicycle and pedestrian access to and through the development and connections to Lansdowne development are being met.

Response: Sheet 6 of the CDP shows an extensive trail and sidewalk system throughout the Property. The Applicant respectfully points out that pedestrian access cannot be provided to Kipheart Drive as land between the conference center is owned by a third party not a part of this application. Pedestrian access cannot be provided to Ridgeback Court or Boyers Field Place as improvements would impact environmentally sensitive areas, as well as require extensive clearing and grading that would remove substantial and healthy vegetation from the Property. The Applicant's has elected to preserve this vegetation as a tree conservation area.

6. *Comment: The Loudoun County Bicycle and Pedestrian Mobility Master Plan (BPMMP), Chapter 4(A), Roadway Planning and Design Policy, Walkway and Sidewalk Policy 2(a) (p. 31): "Sidewalks in the Suburban Policy Area: Residential streets should have sidewalks with a minimum width of five (5') feet. PRCS notes that the Applicant has proposed to provide that all internal sidewalks will be a minimum of 5 feet. However, it is important to recognize that providing a wider width for sidewalks does not necessarily add to the safety of sidewalk bicycle travel. Utilizing or providing a sidewalk as a shared use path is unsatisfactory. Sidewalks are typically designed for pedestrian speeds and maneuverability and are not compatible with for higher speed bicycle use.*

Response: The CDP has been revised to show sidewalks along all private streets. The draft proffer statement reflects a commitment throughout the Property.

7. *Comment: It appears that the Concept Plan shows potential impact to wetlands. The Applicant should demonstrate to Staff, the Planning Commission, and the Board of Supervisors how the potential impact to wetlands will be mitigated.*

Response: The draft proffer statement includes a commitment to providing LID techniques, where feasible, at time of site plan and/or subdivision record plat approval. Additionally, the development is currently permitted to drain into an off-site SWM/BMP pond to mitigate stormwater runoff and enhance water quality on the Property.

8. *Comment: The Applicant is proposing to place portions of stream corridor and wetlands within open space. PRCS requests additional detailed information on any potential passive recreational uses within these open spaces (e.g., trails, etc.). In addition, Staff recommends that the open space have a Resource Management Plan that addresses the use, maintenance, target vegetation, wildlife management goals and methods, and other aspects of sustaining a functional and attractive natural, open space area. The management plan should also address how watershed protection is to be applied to ensure a healthy stream, diverse aquatic life,*

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stable stream banks, and vibrant native vegetation. In addition, the management plan may also include opportunities and requirements for stream restoration.

Response: The Applicant has elected to preserve portions of the stream corridor and wetlands as tree conservation areas. These areas will be protected by tree conservation easements as specified in the proffer statement. The Applicant believes tree conservation areas are the best approach to minimizing impacts on environmentally sensitive areas while sustaining the natural environment.

9. Comment: PRCS strongly supports any efforts to protect and preserve wetlands, trees, and native vegetation because these contribute directly to protecting the health of surface water, groundwater, air quality, and aesthetics – all of which contribute to the health of the community's residents. Staff recommends that any substantial "tree save" area has a Forest Management Plan that addresses the use, maintenance, target vegetation, wildlife management goals and methods, and other aspects of sustaining a functional and attractive natural area. The management plan should address how multiple layers – overstory, understory, shrub and herbaceous layers – will be maintained to ensure the health and functionality of the vegetated open space.

Response: The Applicant has revised the CDP to identify tree conservation areas. A draft proffer is included to reflect this commitment.

10. Comment: On Sheet 3 of the Concept Plan, please label the portion of the Lansdowne Sports Park that is adjacent to the western boundary of the subject parcel.

Response: Sheet 3 of the CDP has been revised as requested by staff.

11. Comment: On Sheet 3 of the Concept Plan, an access drive serving the National Conference Center (NCC) is shown connecting to the intersection of Kipheart Drive and Thomas Lee Way. This access was not depicted on BLAD 2005-0032 as approved and recorded, of which the parcel was gifted to the County for the purposes of Lansdowne Sports Park. Therefore, the NCC does not currently have an ingress-egress easement across County property. Please revise or explain this discrepancy.

Response: The Applicant would like to point out that the access drive serving the National Conference Center is for emergency access purposes only.

Zoning Administration (comments dated December 7, 2007)

1. Comment: The application proposes to provide access to and from a use ("Conference or Training Center") on PD-SA zoned property by means of a private access easement that is proposed to be rezoned to PD-H4. A "Conference or Training Center" is not a permitted use in PD-H4 zoning district. The use of private streets providing ingress and egress to the conference center through the PDH4 zoning district constitutes an accessory use. In other words, the application proposes a use that would be accessory to the PD-SA principal use, which would be

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placed on the PD-H4 property, where the principal use is not permitted. Thus, the application must be revised so that the roads serving the Xerox facility (both ingress and egress) are public roads.

Be advised that your responses to comments in this referral, revisions to the CDP and modifications should incorporate the Zoning Ordinance Amendment (ZOAM-2006-0003) changes effective December 3, 2007.

Response: The CDP has been revised to reflect public streets to and from the PD-SA zoning district. The Applicant has revised the application to reflect the Zoning Ordinance Amendment changes effective December 3, 2007.

2. Comment: The Applicant has requested modifications to the front, side and rear yard requirements of the R-8 zoning district Traditional Design development option. See Staff's analysis in the Zoning Modification Section of this referral. Also, the building requirements table on Sheet 5 of the CDP references three invalid R-8 Sections [Section 3-506(C)(a), 3-506(C)(b) and 3-506(C)(c)] and must be corrected to state [Section 3-506(C)(3)(a), 3-506(C)(3)(b) and 3-506(C)(3)(c)].

Response: Sheet 5 of the CDP has been revised to reference Section 3-506(C)(3)(a), 3-506(C)(3)(b) and 3-506(C)(3)(c).

3. Comment: The lot and building requirements table on Sheet 5 references the R-4 zoning district length/width ratio requirement Section 3-405(D), as opposed the R-8 length/width ratio reference of Section 3-506(D). Clarify this inconsistency.

Response: The Applicant has revised the CDP to reference the R-8 length/width ratio.

4. Comment: The Applicant has requested a modification to the R-8 zoning district for SFD developed under the Traditional Design Option to reduce the lot width from 50 feet to 35 feet. See Staff's analysis in the Zoning Modification Section of this referral.

Response: Comment acknowledged.

5. Comment: The Zoning Ordinance regulations table on Sheet 5 of the CDP references incorrect data. Revise the CDP accordingly.

Response: Sheet 5 of the CDP has been revised as requested by staff.

6. Comment: The Applicant has requested modifications to the front, side and rear yard requirements of the R-8 zoning district Traditional Design development option for SFD. See Staff's analysis in the Zoning Modification Section of this referral.

Response: Comment acknowledged.

7. Comment: Demonstrate on the CDP that street trees are planted pursuant to Section 5-1300 at

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regular spacing and that garages will be setback at least 20 feet behind the front line of buildings.

Response: The CDP has been revised to include a note stating street trees will be planted in accordance with Section 5-1300.

8. Comment: Section 3-507(F). Minimum Open Space Area. Demonstrate compliance with this Section of the Zoning Ordinance.

Response: The CDP has been revised to identify open space calculations on Sheet 5 of the CDP.

9. Comment: Section 3-507(H)(1) Other Requirements. Demonstrate compliance with this Section. The CDP does not indicate how each landbay is administered. Also, as required by this Section, the road network is not a block or grid design. Revise the CDP accordingly.

Response: The Applicant would like to note that the modification requests are a systematic approach to developing a consistent and unified design throughout the Property that is in accord with the character of Lansdowne. The CDP depicts uniform setbacks for each land bay to implement the Applicant's intent of developing a consistent design for various housing types. Further, the Applicant submits that the interconnected street pattern for Roads "A", "B", "C", and "D" create a grid street pattern while utilizing the topography of the Property to minimize impacts on the critical natural resources.

10. Comment: Section 3-508(B) Building Height. The maximum building height for SFD under this Section is 40 feet, not 35 feet as stated on Sheet 5 of the CDP.

Response: The Applicant has revised the CDP to note the maximum building height as 40 feet instead of 35 feet.

11. Comment: Section 3-509(A) Active Recreation Space. The application proposes to utilize existing off-site amenities provided by Lansdowne and the National Conference Center in lieu of the active recreation space required in the R-8 zoning district. See Staff's analysis in the Zoning Modification Section of this referral.

Response: The Applicant has removed the modification request from the application. The application has been revised to include the existing fitness center, as well as provide active recreation space to permit on-site recreational and leisure needs.

12. Comment: Section 3-509(B) Off-Street Parking. Demonstrate compliance with this Section.

Response: The Applicant would like to point out that Sheet 6 of the CDP depicts typical road sections for off-street parking on private streets.

13. Comment: Section 3-511 (A) and Section 3-610(A) Development Setback and Access from Major Roads, Private Streets and Section 4-110(B) Private Streets. The Applicant requested a modification to this Section of the Zoning Ordinance to reduce the required setback from any other road right-of-way to 10 feet on the front and 5 feet on the side. Staff is unclear of what the



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Applicant is requesting. A setback, by definition in Article 8 of the Zoning Ordinance, is not the same as a required yard. Thus, one figure must be provided, not two figures based on what type of yard is on the lot. A reference to the conditions for using private streets, required by this Section and Section 4-110(B), should be placed on the CDP. See Staff's analysis in the Zoning Modification Section of this referral. In addition, ZOAM-2006-0003 adopted on December 3, 2007 changed how this Section is written. Respond to this comment based upon the new regulation, update the Zoning table on Sheet 5 of the CDP and Staff will re-review on next submission.

Response: The Applicant has revised the application to remove the modification requests for Section 3-511(A) and Section 3-610(A).

14. Comment: Section 3-606(C)(3)(a) Front Yard. Traditional Design Option-SFA. The Zoning Ordinance regulations table on Sheet 5 of the CDP references incorrect data. Revise the CDP accordingly.

Response: Sheet 5 of the CDP has been revised to reflect the correct data for Section 3-600(C)(3)(a).

15. Comment: Section 3-607(B) (1) and (2) Building Height for SFA and MF Units. The maximum building height for SFA under this Section is 45 feet and 45 feet for MF units, provided a MF unit may be erected to a maximum of 55 feet if it is setback from streets or lot lines in addition to each of the required minimum yard dimensions, a distance of not less than one foot for each one foot of height that it exceeds the 45-foot limit. Revise the Zoning Table on Sheet 5 of the CDP.

Response: The Applicant has revised the CDP as requested by staff.

16. Comment: Section 3-607(C) Maximum Units Per Building. Demonstrate compliance with this Section.

Response: The CDP has been revised to include a note stating that townhouse units will be built in accordance with Section 3-607(C).

17. Comment: Section 3-608(A) Active Recreation Space. The application proposes to utilize existing off-site amenities provided by Lansdowne and the National Conference Center in lieu of the required on-site active recreation space of the R-16 zoning district. See Staff's analysis in the Zoning Modification Section of this referral.

Response: See answer No. 11 above.

18. Comment: Section 4-101 Purpose. The intent of the Planned Development-Housing (PD-H) zoning district is to provide for a variety of single and multifamily housing types in neighborhood settings plus supporting non-residential uses in a planned environment fostering a strong sense of community. It is noted that the Applicant is not proposing any supportive non-residential uses in this planned development.

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Response: The Applicant submits that the development is within walking distance to restaurant uses and retail uses within close proximity of the Property. Furthermore, non-supportive uses are not envisioned for this area. The provision of retail and restaurant uses would be isolated on the Property and would remove patrons from the designated corridors for commercial activity. Therefore, the provision of non-supportive uses is not required.

19. Comment: Section 4-103 Timing of Development. The Applicant needs to address the timing of development criteria in their written Statement of Justification. Notes 1 and 2, under the Phasing Plan heading on Sheet 5 of the CDP are vague and do not address the regulations of this Section.

Response: A site plan (STPL 2005-0027) has been approved on the PD-SA portion of the Property to accommodate the 727 surface parking spaces. The draft proffer statement includes language that requires the parking associated with STPL 2005-0027 to be in place prior to commencing construction activities for the development.

20. Comment: Section 4-104(A) Maximum Net Residential Density. Staff notes that this application proposes 4.79 dwelling units per acre. This density exceeds the maximum net density allowed in the PD-H4 zoning district. Reduce the number of units proposed with this application or select an alternative zoning district. The bonus density under the ADU option allows 20 percent SFDs, SFAs and 10 percent MF units.

Response: Section 7-103(A) and (B) clearly state the maximum net residential density for an active rezoning can reflect a 10 percent and 20 percent increase in density if the required number of ADU's are provided within the development. The ADU Chart on Sheet 5 of the CDP reflects the maximum net residential density inclusive of ADU's that is consistent with the Zoning Ordinance requirement.

21. Comment: Section 4-109(A). Site Planning-External Relationships. Demonstrate compliance with this Section.

Response: Roads "A" and "B" have been redesigned as public roads. The Applicant respectfully submits that the development proposal reduces the am, pm, and average daily trips. Further, the roadway network is designed to accommodate commercial and residential traffic while providing a traffic flow with minimal hazardous movements in a safe environment.

22. Comment: Section 4-109(E). Height limitations at edges of PD-H districts. Staff notes that the height at the edges of the PD-H district is limited to an imaginary plane leaning inward from the district boundary at an angle representing an increase in height of one foot for every one feet of horizontal distance perpendicular to the district boundary. The Applicant must provide the building height of proposed units so that Staff can verify if the building heights proposed on the lots require a modification of this Section. Staff will respond to this comment after resubmission.

Response: The Applicant has revised the PDH-4 Lot & Building Requirements table to provide

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the maximum height of the proposed residential uses.

23. Comment: *Section 4-110(C) Site Planning-Internal Relationships. Demonstrate compliance with this Section. Staff is concerned of that the street layout of the community encourages outside or through traffic on minor streets to access the Xerox facility.*

Response: The Applicant has revised the CDP show Roads "A" and "B" to accommodate residential and commercial traffic. Sheet 6 of the CDP demonstrates a design toward pedestrian movement and reduced vehicular movement internal to the community.

24. Comment: *Section 4-110(F) Ways for pedestrians; use by emergency or service vehicles. Demonstrate compliance with this Section. Staff questions how the Applicant is meeting the regulations of this Section as there is only one point of access to the development, which will be shared by Xerox facility traffic, an elementary school off of Upper Belmont Ridge Place and the development proposed with this application. Staff is concerned that accessways used by children going to the school or other destinations is not safeguarded against automotive traffic.*

Response: The Applicant has revised the CDP to include a sidewalk on the west side of Belmont Ridge Road. The CDP has also been revised to improve the existing roadway network (Road "A" and Road "B") to public street standards. This will allow for a smoother traffic flow and more efficient traffic pattern to minimize adverse impacts. The Applicant submits that the design of interconnected private streets with courtyard, neighborhood, and incidental green space will encourage pedestrian activity within a safe environment. The Illustrative Plan depicts a design that achieves this safe environment.

25. Comment: *Section 4-110(G) Protection of Visibility-cyclists and pedestrians. Provide sidewalks and/or trails on both sides of the private streets so that pedestrians will have access to and from open space areas, on-site active recreation areas and connections outside the community. Staff notes it is difficult to determine which roads are public, private or alleyways, as the roads shown on the CDP are not labeled.*

Response: The CDP has been revised to provide sidewalk connections along private streets. Additionally, the CDP has been revised to include access connections to and from open space areas and on-site active recreation areas. Further, Sheet 6 of the CDP identifies typical road sections for all roadways within the development.

26. Comment: *Section 4-110(I) Site Planning-Internal Relationships-Uses adjacent to single-family residential, or agricultural and residential districts or land bays allowing residential uses. This Section requires that a 50 foot permanent open space Type II buffer be provided when residential uses in a PD-H zoning district adjoin a single-family residential, agricultural, or residential development or land bay allowing residential uses, and shall provide either single family lots of at least 20,000 square feet, exclusive of major floodplain on the perimeter or a permanent open space buffer along such perimeter at least 50 feet in width, landscaped with a Type II buffer yard. Staff notes that there are no internal buffer yards shown with this development on the CDP.*

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Response: The Applicant has revised the application to request a modification to eliminate the internal buffer yard between residential uses.

27. Comment: Section 4-111(A) Site Planning-Internal Relationships-Open Space. According to the PD-H4 open space table on Sheet 5 of the CDP, the Applicant proposes 34.4 percent of the property as open space. Staff is uncertain why the Applicant requested a modification to this Section, as they have provided more than 30 percent open space on the property. Please explain. Also, the Applicant must show the general location, acreage and character of the required open space (i.e. common open space, dedicated open space and active recreation open space) on the CDP.

Response: The Applicant has removed the requested modification from the application.

28. Comment: Section 4-702 PD-SA Size and Location. The PD-SA district shall be a minimum of 100 contiguous acres. Staff notes that this application proposes to rezone approximately 45.76 acres of a 112.26 acre parcel from PD-SA to PD-H4. The size of the remaining PD-SA zoning district is approximately 66.52 acres. Thus, the Applicant must reduce the size of the proposed PDH4 zoning district area or request a modification with justification to Section 4-702 to reduce the required minimum PD-SA zoning district size. Staff notes that purpose and intent of the PD-SA zoning district is to keep it separate and distinct from other zoning districts based upon the type of uses allowed in the PD-SA zoning district. Due to the nature of the uses in a PD-SA zoning district, they should be separated from residential uses. In addition, as a result of the application, Staff notes the resulting FAR for the remaining PD-SA zoning district is .396, which is extremely close to the maximum .40 requirement in the PD-SA zoning district which leaves little opportunity for error or the option for the conference center to expand. Staff also notes that this application will change the acreage, landbay tabulations, tables and layout of PD-SA zoned land on the Lansdowne zoning map amendment (ZMAP-1994-0001) and its subsequent ZCPAs.

Response: The Applicant's interpretation of the Zoning Ordinance is that it requires the PD-SA zoning district to be 100 contiguous acres, regardless of ownership. In fact, if viewed as stand-alone PD-SA zoning districts, the surrounding land (which is under separate ownership) would not meet the Zoning Ordinance minimum district size. However, by implementing the Applicant's interpretation, the contiguous land in addition to the remaining PD-SA portion of the Property would meet the minimum acreage requirements.

With regard to the PD-SA zoned portion of the Property, the Applicant has revised the CDP to include density calculations to demonstrate compliance with FAR requirements for the National Conference Center.

29. Comment: Section 5-1100 Off-Street Parking and Loading Requirements. This Section requires that 3.0 parking spaces per single family attached, except that at least .5 spaces/unit will be accommodated by off lot parking spaces and 3.0 parking spaces per single family detached dwelling units be provided on the property. This calculation was not provided on the CDP. Driveway and garage spaces count toward required parking spaces. In addition, the Applicant

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must provide a breakdown of the number and type of multifamily units, as the off-street parking requirements are based off of the number of bedrooms. Once this data is provided, Staff can verify if the required off-street parking requirements are met. The Applicant has not provided a parking tabulation table on the CDP demonstrating that they can meet off-street parking requirements. The statement on Sheet 6 of the CDP, which states that parking will be provided pursuant to Section 5-1100, is not sufficient. In addition, Staff notes that this application proposes to rezone a portion of the PD-SA zoning district where the existing parking for the Xerox facility is located. Explain how the off-street parking for the Xerox facility will be accommodated and the timing of construction as it relates to this application.

Response: A site plan (STPL 2005-0027) has been approved on the PD-SA portion of the Property to accommodate the 727 surface parking spaces. The draft proffer statement includes language that requires the minimum parking associated with STPL 2005-0027 to be in place during construction activities for the development.

30. Comment: Section 5-1400 Buffer Yards. A minimum Type III buffer yard is required between the National Conference Center (Group 7 use) and the SFA/SFD (Group 1 and 2 uses). Staff also notes that private streets on the east and west sides of the property are encroaching into required open space buffer yards. In addition, Note #9 on Sheet 3 of the CDP states that buffer yards may be reduced, waived or modified pursuant to Section 5-1409 of the Zoning Ordinance. Staff notes the Applicant has not requested any modifications of this Section. Also, the proper time to request modifications of Section 5-1400 is at record plat or site plan. Revise this note to state that CDP will be in conformance with Section 5-1400, unless waived or modified and demonstrate compliance with this regulation on the CDP.

Response: The Applicant has revised the CDP to depict a Type III buffer yard between the development and the National Conference Center. However, the CDP has been revised to include a note on Sheets 3 of the CDP preserving the option of pursuing a reduction of the buffer yard without triggering the need for a ZCPA. The CDP has been revised to relocate the private streets outside of the open space buffer yards.

31. Comment: Section 5-1508 Steep Slopes. Staff notes that portions of the property contain moderately steep (slopes 15%-25%) and very steep slopes (slopes greater than 25%) and are subject to the regulations listed therein. The CDP does not clearly depict the location of moderately steep and very steep slopes. Also, a map provided to Staff in a meeting on October 2, 2007 based on 2-foot topography shows greater steep slope areas than what is shown on the 5-foot based topography on the CDP. This may result in design issues at the preliminary plan stage. Accurately illustrate moderately steep and very steep slopes on the CDP based on 2-foot topography with the proposed lot layout.

Response: The CDP has been revised to illustrate moderately and very steep slopes based on 2-foot contour intervals for the Property.

32. Comment: Section 6-1508 Contents of an approved Concept Development Plan. This Section lists the required provisions and materials to be shown on a CDP. The Applicant has

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provided a table on Sheet 5 which gives a breakdown of how many units will be located within each land bay. However, Staff is unable to determine whether the number units proposed for each landbay will meet the requirements of the Zoning Ordinance, as no lot layout, required yards, open space or setbacks were provided. Sheet 7 contains only an illustrative concept of building locations. Staff recommends a layout of lots, roads, active recreation space and open space on the subject parcel. In addition, indicate on the CDP how each particular landbay is administered and which development design option each landbay is developed under (i.e. traditional vs suburban).

Response: Final engineering of the site layout has not been determined at this time; thus, the Applicant believes it is premature to commit to a specific layout for lots. However, the CDP has been revised to identify roads, active recreation space, and open space. The Applicant submits that the requested modifications implement a unified and consistent design throughout the Property without the need of identifying a development design option.

33. Comment: Section 7-103(A) and (B). Affordable Dwelling Unit Adjustments, SFD, SFA and Multi-Family Units. Provide a table on the CDP, demonstrating compliance with the percentage of ADUs required with this application and the actual number provided. Staff notes that Note #2, under the Landbay Tabulation Table on Sheet 5 of the CDP states that unit distribution is subject to modification due to final engineering, architectural orientation and the Applicant's option to include up to 60 MF units in lieu of 60 SFA units, to be established during subdivision.

Response: The Applicant would like to point out that the application has been revised to request 68 multi-family units. The CDP has been revised to provide a chart as requested by staff.

34. Comment: Section 7-803 and 7-903 Lot and Building Requirements. Pursuant to this Section, the lot, building setback and access requirements for ADUs shall be the same for other lots within the development, whether it is a suburban or traditional design option in the R-8 and R-16 districts. Demonstrate compliance with these Sections by providing a lot layout on the CDP.

Response: As discussed above, final engineering of the site layout has not been determined at this time; thus, the Applicant believes it is premature to commit to a specific layout for lots. However, the Illustrative Plan of the CDP depicts a design that can be achieved on the Property.

35. Comment: Section 7-803(D) Lot Coverage. For the R-8 ADU development option, the maximum lot coverage for SFD units is 50 percent, 60 percent for MF units and 75 percent for SFA units. Revise the Zoning Tabulations Table on Sheet 5 accordingly.

Response: The Zoning Tabulations Table on Sheet 5 of the CDP has been revised as requested by staff.

36. Comment: Section 4-1500 Floodplain Overlay District. Staff notes that portions of the property contain minor floodplain. In addition, Staff notes that a floodplain alteration (FPAL),

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pursuant to the procedures and standards in Section 4-1508, may be required to complete any alteration in the floodplain (i.e. road crossings) unless a waiver letter (WAIV) is granted by the Department of Building & Development.

Response: The Applicant will take Staff's comments under advisement. If required at time of site plan or record subdivision plat approval, the Applicant will prepare a floodplain alteration study or seek a waiver letter from the Department of Building & Development.

37. Comment: Section 6-1211(E) (Item 3). Regarding Item 3, the Applicant states that the proposed residential use is "perfectly compatible" with three adjacent residential properties. Staff questions how this application integrates itself into the Lansdowne community. Staff is also concerned that the proposal is not compatible with the adjacent PD-SA zoning district, as the intent of the PD-SA zoning district is to keep it separate due to the large scale nature of the uses allowed in the PD-SA zoning district. The Applicant must also demonstrate that this rezoning will not further burden the supportive non-residential uses such as, but not limited to, schools, parks, libraries, police/fire & rescue service, retail stores, etc in adjacent communities, by providing data demonstrating that sufficient capacity are available in these communities. Otherwise, Staff recommends the proposal be redesigned to decrease the density proposed or develop the properties under an R-District, as this PD-H development offers only residential units components that could be achieved under a "R-zoning district." Staff further recommends that proffers be submitted addressing the capital facilities needs generated by this development.

Response: The Applicant would like to point out that the development facilitates a unified design throughout the community consistent with the design and character of Lansdowne. With regard to compatability with the PD-SA portion, residences within the existing Lansdowne community are within 20 to 25 feet of the PD-SA zoning district line. The Applicant's development proposes a 50-foot setback from the PD-SA zoning district line for all residential uses. The proposal will not burden non-supportive uses, as the Applicant will provide a capital facilities contribution as recommended by Staff. Library services and Fire and Rescue are in support of the application. Moreover, the development provides complementary residential uses in close proximity to the Lansdowne commercial town center that will increase the tangible commercial activity in the area.

38. Comment: Section 6-1211(E) (Item 4). Staff questions whether this application meets the criteria of this Section. The Applicant has not demonstrated whether adequate water, sewer, transportation, schools or other facilities exist to serve the needs of this development. Staff defers to LCSA, Department of Transportation and the Loudoun County Schools for further comments on these issues.

Response: LCSA has no issues with the approval of the application. The Applicant has received constructive suggestions from OTS and Loudoun County School staff on this application and has provided thorough responses to address each comment.

39. Comment: Section 6-1211(E) (Item 6). Regarding Item 6, Staff notes that a large portion of the site contains floodplain and hydric soils. Confirm whether a detailed soils report of the

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property has been submitted for the development of the property due to the presence of these sensitive environmental features. Staff defers to the Environmental Review Team for further comments on this issue.

Response: The Applicant has proffered to the provision of a super silt fence along the perimeter of the Property.

40. Comment: Section 6-1211(E) (Item 7). Staff questions whether this application meets the criteria of this Section. Ingress and egress from the Xerox facility will travel through the proposed residential neighborhoods on private streets. Due to the nature of PD-SA uses, traffic volume, and safety issues for pedestrians and motorists, through traffic in residential neighborhoods shall be avoided. Staff also notes that the application is adjacent to an existing school and questions whether adequate safety measures are available due to the increased number of vehicle trips. Address the timing of construction for this application, including road improvements, construction of the parking garage for the Xerox facility as this application proposes to remove the parking lot for the Xerox facility. Explain where the required parking for the Xerox facility will be located.

Response: A site plan (STPL 2005-0027) has been approved on the PD-SA portion of the Property to accommodate the 727 surface parking spaces. The draft proffer statement includes language that requires the minimum parking associated with STPL 2005-0027 to be in place during construction activities for the development. Further, the Applicant believes it is premature to commit to a location for the gatehouse and parking garage prior to final engineering has been determined.

41. Comment: Section 1-205(A) Lot Access Requirements.

Provision: No structure requiring a building permit shall be erected upon any lot which does not have frontage on a Class I, Class II, Class III road, or private access easement as specified in the individual district regulations, except as specifically provided for herein and the Land Subdivision and Development Ordinance (LSDO).

Request: To permit access to single family detached, single family attached and multi-family dwelling units via private streets.

Staff Analysis: Staff questions how providing units that front on public streets creates pocket communities and preclude a close-knit community when Traditional design concepts and a sense of community can be achieved by using public streets in the R-8 and R-16 zoning districts. Staff notes that a modification to allow multi-family units and single family attached units to be served by private streets is not necessary as these types of units are permitted to be served by private streets pursuant to the regulations of Section 4-110(B)(1-4). However, the Applicant needs to identify all road types on the CDP (i.e. alley, private street, public street) and indicate in which landbay(s) this modification will apply.

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Response: The statement of justification has been revised to eliminate single-family attached and multi-family units from the request. The modification employs a design to allow narrower streets to promote pedestrian connectivity throughout the Property. The Applicant submits that the design of interconnected private streets with courtyard, neighborhood, and incidental green space will encourage pedestrian activity. The private streets throughout the development as shown on the Illustrative Plan would help foster a neighborhood community. Further, the modification would allow for a unified design throughout the community consistent with the design and character of Lansdowne.

The Applicant believes the modification is necessary for all single-family detached units. The Applicant has revised the CDP to identify all road types and illustrate proposed typical road sections for the Property.

42. Comment: Section 3-509(A) Active Recreation Space (R-8)

Provision: A minimum of 5,000 square feet of active recreation space shall be provided for each development of ten (10) units. Thereafter, an additional 100 square feet of such space shall be provided for each single family detached, manufactured housing or duplex unit and 200 square feet for each attached dwelling unit, triplex unit, quadruplex unit, townhouse, and multi-family unit in excess of 10 units. All such active recreation space shall be accessible to all residents by means of internal pedestrian walkways.

Request: The Applicant requests that provisions be modified to permit the use of off-site amenities provided by Lansdowne and the National Conference Center.

Staff Analysis: Staff notes that this modification request is not needed as the active recreation requirements of Section 7-803(E) take precedence over this Section.

Response: The Applicant has removed the modification request.

43. Comment: Section 3-511(A) Lot Requirements Development Setback and Access From Major Roads.

Provision: In designing residential development, the requirements of Section 5-900 shall be observed.

(A) Private Streets. Roads, serving townhouse and multifamily uses only, may be designed and constructed to private streets standards set forth in the Facilities Standards Manual, provided the following conditions are met.....

Request: To permit uniform front, side and rear yards of 10 feet, 5 feet and 15 feet, respectively, for single family detached dwelling units in the R-8 and R-16 zoning districts.

Staff Analysis: Staff can support this modification of allowing setbacks to be consistent with ADU front yard requirements provided the Applicant demonstrates the modification request meets or exceeds the public purpose or improves upon the existing regulation. Staff is

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concerned that this decreased setback leaves inadequate space for required off-street parking in driveways and garages on single family attached and single-family detached lots. Demonstrate how this modification will be implemented on the CDP. Also, Staff questions how placing buildings closer together and closer to the street fosters community interaction as this can be achieved under the R-district regulations without a modification. Staff questions how providing units that front on public streets creates pocket communities and preclude a close-knit community when Traditional design concepts and a sense of community can be achieved by using public streets in the R-8 and R-16 zoning districts. Staff notes that a modification to allow multi-family units and single family attached units to be served by private streets is not necessary as these types of units are permitted to be served by private streets pursuant to the regulations of Section 4-110(B)(1-4). However, the Applicant needs to identify all road types on the CDP (i.e. alley, private street, public street) and indicate in which landbay(s) this modification will apply.

Response: The modification request has been removed from the application.

44. Comment: Section 3-511(C) Private Streets.

Provision: This is not a valid Zoning Ordinance section.

Request: To permit access to single family detached, single family attached and multi-family dwelling units via private streets.

Staff Analysis: A modification to this Section is not needed as Section 3-511(C) is not a valid Zoning Ordinance reference.

Response: The Applicant has revised the statement of justification to remove single-family attached and multi-family units from the modification. Further, the statement of justification has been revised to reference the correct Zoning Ordinance section.

45. Comment: Section 3-607(A) Building Requirements. Lot Coverage (R-16)

Provision: 60 percent maximum

Request: Request to allow a maximum of 80 percent lot coverage within the R-16 zoning districts for all multi-family residential lots.

Staff Analysis: Staff questions why the Applicant requested this modification as the lot coverage regulations of Section 7-903(D) essentially trump the underlying regulations of the R-16 multi-family unit lots. Staff notes the Applicant requested a modification to Section 7-903(D).

Response: The Applicant has removed this request from the application.

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46. Comment: Section 3-607(B) Building Height.

Provision: This section allows multi-family structures to be erected to a maximum of 55 feet if it is setback from streets or lot lines from the yard line a distance of not less than 1 foot for each 1 foot of height that exceeds 45 feet and a 45 foot maximum for SFA units.

Request: To permit multi-family units to be at least 60 feet in height with no additional setback.

Staff Analysis: The Applicant's justification for this modification states this modification will allow customer demand for higher ceilings, open floor plans, larger windows, allow more interesting front elevations and permit podium parking. Staff believes that this justification does not meet the Zoning Ordinance modification criteria. Staff questions how these features are an innovative design or improves upon the existing regulations. Also, explain where this modification will apply (i.e. landbays) and illustrate on the CDP.

Response: The modification improves upon the existing regulations by allowing a vertical environment that further stimulates the pedestrian streetscape. The Applicant has included illustrative drawings that implements the Applicant's innovative design for the Property. Further, the CDP has been revised to identify the land bay, acreage, residential unit count for the multi-family units.

47. Comment: Section 3-608(A) Active Recreation Space, R-16

Provision: A minimum of 5,000 square feet of active recreation space shall be provided for each development of ten (10) units. Thereafter, an additional 200 square feet minimum shall be provided for each manufactured housing, attached dwelling unit, triplex unit, quadruplex unit, townhouse and multi-family unit in excess of 10 units. All such active recreation space shall be accessible to all residents by means of internal pedestrian walkways.

Request: The Applicant requests that provisions be modified to permit the use of off-site amenities provided by Lansdowne and the National Conference Center.

Staff Analysis: Staff notes that this modification request is not needed as the active recreation requirements of Section 7-903(E) take precedence over this Section.

Response: The modification request has been eliminated from the application. The Applicant has revised the application to include active recreation uses that meet the Zoning Ordinance requirements.

48. Comment: Section 3-610(A) Development Setback and Access From Major Roads.

Provision: In designing residential development, the requirements of Section 5-900 shall be observed.

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(A) Private Streets. Roads, serving townhouse and multifamily uses only, may be designed and constructed to private streets standards set forth in the Facilities Standards Manual, provided the following conditions are met.....

Request: To permit uniform front, side and rear yards of 10 feet, 5 feet and 15 feet, respectively, for single family detached dwelling units in the R-8 and R-16 zoning districts.

Staff Analysis: Staff can support this modification of allowing setbacks to be consistent with ADU front yard requirements provided the Applicant demonstrates the modification request meets or exceeds the public purpose or improves upon the existing regulation. Staff is concerned that this decreased setback leaves inadequate space for required off-street parking in driveways and garages on single family attached and single-family detached lots. Demonstrate how this modification will be implemented on the CDP. Also, Staff questions how placing buildings closer together and closer to the street fosters community interaction as this can be achieved under the R-district regulations without a modification. Staff questions how providing units that front on public streets creates pocket communities and preclude a close-knit community when Traditional design concepts and a sense of community can be achieved by using public streets in the R-8 and R-16 zoning districts. Staff notes that a modification to allow multi-family units and single family attached units to be served by private streets is not necessary as these types of units are permitted to be served by private streets pursuant to the regulations of Section 4-110(B)(1-4). However, the Applicant needs to identify all road types on the CDP (i.e. alley, private street, public street) and indicate in which landbay(s) this modification will apply. Staff questions how this modification request meets or exceeds the public purpose or improves upon the existing regulation. Demonstrate how this modification will be implemented on the CDP and which landbays it will apply. Also, Staff questions how placing tall buildings, such as multifamily units, closer together and closer to the street fosters community interaction as this can be achieved under the current zoning regulations.

Response: The Applicant has revised the application to remove the request.

49. Comment: Section 4-110(B) Site Planning-Internal Relationships.

Provision: All arterial and collector streets serving a PD-H District, and all streets of any size serving residential (except townhouse and multifamily), commercial, office, institutional and industrial uses within a PD-H district, shall be designed and constructed to VDOT standards for inclusion in the state highway system. Roads serving townhouse and multifamily uses only may be designed and constructed to private streets standards set forth in the Facilities Standards Manual, provided the following conditions are met...

Request: To permit access to single family detached, single family attached and multi-family dwelling units via private streets.

Staff Analysis: The Applicant indicated that public streets preclude close-knit communities and create pocket communities. Staff questions how providing SFD units that front on public streets creates pocket communities and preclude a close-knit community when Traditional design

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concepts can be achieved by using public streets in the R-8 and R-16 zoning districts. Staff notes that a modification to allow multi-family units and single family attached units to be served by private streets is not necessary as these types of units are permitted to be served by private streets pursuant to the regulations of Section 4-110(B)(1-4). However, the Applicant needs to identify all road types on the CDP (i.e. alley, private street, public street) and indicate in which landbay(s) this modification will apply.

Response: See answer No. 40 above. Further, the modification allows for a compact design that mitigates impacts on the critical natural resources within the Property.

50. Comment: Section 4-110(D) Site Planning-Internal Relationships.

Provision: Vehicular access to public streets, from off-street parking and service areas serving less than eighty (80) dwelling units, may be directly to the street via a single point of access. Vehicular access, from off street parking and service areas serving eighty (80) or more units, shall require two (2) or more points of access. Determination of number of the actual dwelling units served shall be based on normal routing of traffic anticipated in the development.

Request: To modify this Section to permit more than 79 dwelling units to be served by one point of access.

Staff Analysis: Staff is uncertain as to what the Applicant is requesting with this modification as they have requested 79 units to be served by one point of access, however, the Applicant is proposing 219 units with this development with only one access point. This Section requires two or more points of access with this application. Staff questions how this modification meets or exceeds the public purpose and improves on the existing regulations. Staff is concerned about pedestrian and vehicular safety and the volume of traffic on Upper Belmont Ridge Place and the adjacent school. In addition, the existing Xerox facility will continue to use Upper Belmont Ridge Place which will present additional traffic volumes. Staff also questions how one point of access promotes a "front door" character and a pedestrian friendly neighborhood. Staff defers additional comments to the Department of Transportation.

Response: Alternative second access cannot be provided given the environmental constraints on the Property and that land between the next feasible location is not subject to this application. The Applicant has redesigned Road "A" and Road "B" to public street standards to accommodate residential and commercial traffic. The interconnected private streets encourage pedestrian activity while reducing conflicts between pedestrian and vehicular movement. In fact, the Applicant would like to point out that the proposal reduces average daily traffic by 70 percent from the existing approvals on the Property. The Illustrative Plan depicts a neighborhood community design that can be achieved with the modification while also demonstrating a safe environment that minimizes pedestrian and vehicular conflicts.

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51. Comment: Section 4-111(A) Open Space.

Provision: A minimum of thirty percent (30%) of the land within the district, excluding the land designated for road rights-of-way, commercial and industrial uses, shall be devoted to open space. Active recreation space required under the Urban Residential Districts, in Article III, shall be counted toward the open space requirements and all, or a portion of, which may be located outside of the individual R-district land bay to create more functional recreation areas. Land comprising major floodplain, steep slopes, active recreation open space, common open space and dedicated open space shall all be counted toward satisfying this minimum open space requirement. The general location and character of the required open space shall be depicted on the Concept Development Plan.

Request: The Applicant requests that provisions be modified to permit the use of off-site amenities provided by Lansdowne and the National Conference Center.

Staff Analysis: According to the PD-H4 open space table on Sheet 5 of the CDP, the Applicant proposes 34.4 percent of the property as open space. Staff is uncertain as to why the Applicant requested a modification to this Section, as the calculations table on this Sheet indicates that the Applicant has provided more than 30 percent open space on the property. Please explain. However, the Applicant must show the general location, acreage and character of the required open space (i.e. common open space, dedicated open space and active recreation open space) on the CDP.

Response: The Applicant has revised the application to remove the modification request. The CDP has been revised to show open space and active recreation areas.

52. Comment: Section 4-111 (B) (2) Ownership, Operation and Management of Common Open Space and Common Facilities.

Provision: All common open space not dedicated to the County shall be subject to restrictive covenants running with the land restricting its use to that specified in the approved Development Plan. Such restrictions shall be for the benefit of, and enforceable by, all present or future residential property owners and the Board of Supervisors of Loudoun County.

Request: The Applicant requests that provisions be modified to permit the use of off-site amenities and open space provided by Lansdowne and the National Conference Center.

Staff Analysis: Staff notes that this Section is not permitted to be modified. Staff notes that "open space" and "recreation space, active" are defined in Article 8 of the Zoning Ordinance and definitions are not permitted to be modified. The Applicant is not permitted to count open space already dedicated in other developments to count toward the open space requirements in this Application.

Response: The Applicant has revised the CDP to provide additional open space within the development and has eliminated the modification request.

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53. Comment: Section 4-705(B)(1) Lot Requirements, Yards, Adjacent to Roads.

Provision: Adjacent to roads. Except where a greater setback is required by Section 5-900, no building shall be permitted closer than thirty five (35) feet to any road and no parking shall be permitted closer than twenty five (25) feet to the right-of-way from any road. No outdoor storage, areas for collection of refuse, or loading space shall be permitted in such setbacks.

Request: To reduce the minimum setback to 25 feet for recreational uses adjacent to residential uses, other non-residential uses, or any right-of-way.

Staff Analysis: Staff questions how this modification meets or exceeds the public purpose or improves upon the existing regulation. The Applicant must demonstrate on the CDP how this modification is implemented in the community design and further demonstrate that the existing Xerox facility, its existing structure and its future above-ground parking garage are in conformance with the request. The Applicant has indicated they are willing to enhance areas reserved for parking, outdoor storage, collection of refuse and loading through use of a landscaping program. However, this statement is vague and unenforceable. Furthermore, the Applicant did not provide a landscaping program Sheet, as stated on page 16 of their SOJ.

Response: The Applicant has revised the modification to clarify the request to allow the guardhouse within 25 feet of any right-of-way, residential uses, and other non-residential uses. The modification was sought to allow for the continued control ingress and egress to the National Conference Center to provide security for visiting guests. As final engineering for the gatehouse and parking garage has yet to be determined, the Applicant has not committed to a location at this time. Nonetheless, the Applicant will locate the guardhouse at an appropriate distance to avoid vehicular and/or pedestrian safety issues.

54. Comment: Section 4-705(B)(2) Lot Requirements, Yards, Adjacent to Agricultural and Residential Districts.

Provision: No building, parking, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than one hundred (100) feet to any agricultural district, any existing or planned residential district, or land bay allowing residential uses. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between buildings and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses are visible from the said agricultural and residential areas.

Request: To reduce the minimum setback to 25 feet for recreational uses adjacent to residential uses, other non-residential uses, or any right-of-way.

Staff Analysis: Staff questions how this modification meets or exceeds the public purpose or improves upon the existing regulation. Staff questions how reducing the required yard from 100 feet to 25 feet is innovative or unique in its design. The Applicant must demonstrate on the CDP how this modification is implemented in the community design and further demonstrate that the existing Xerox facility, its existing structures and its future above-ground parking garage



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are in conformance with the modification request. The Applicant has indicated they are willing to enhance areas reserved for parking, outdoor storage, collection of refuse and loading through use of a landscaping program. However, this statement is vague and unenforceable. Furthermore, the Applicant did not provide a landscaping program Sheet, as stated on page 16 of their SOJ.

Response: See answer No. 53 above.

55. Comment: Section 4-707(D)(3) Use Limitations, Access from Major Roads.

Provision: *In designing special activity development, the requirements of Section 5-900 shall be observed.*

(1) Primary access shall be prohibited on residential neighborhood streets. This prohibition does not apply to collector roads through residential neighborhoods.

Request: *To permit vehicular traffic associated with the National Conference Center to travel along Upper Belmont Place through the PD-H zoned development.*

Staff Analysis: *Staff questions how this modification meets or exceeds the public purpose or improves upon the existing regulation as traffic coming to and from the Xerox facility will be traveling through residential neighborhoods. The Applicant wishes to integrate the National Conference Center with the residential development that surrounds it and weave the conference center into the Lansdowne community. Staff notes that the purpose and intent of the PD-SA zoning district is to keep it separate and distinct from other zoning districts due to the types and intensities of uses allowed in the PD-SA zoning district. Staff is also concerned about pedestrian and vehicular safety due to service vehicles and increased traffic volume traveling to and from the Xerox facility on narrow streets and homes being built closer to the roadways than what is found in a typical Traditional neighborhoods.*

Response: The Applicant would like to point out that existing residences within the Lansdowne community are within 20 to 25 feet of the PD-SA zoning district line. Further, the public purpose is exceeded by allowing a design that facilitates a seamless integration of the National Conference Center as a part of Lansdowne with de minimus impacts on the surrounding communities. With regard to vehicular safety, the Applicant has redesigned Road "A" and Road "B" to public street standards to accommodate residential and commercial traffic. In fact, the proposal reduces average daily traffic by 70 percent in comparison to the existing approvals on the Property. The CDP has also been revised to illustrate trail connections throughout the community to minimize pedestrian and vehicular conflicts.

56. Comment: Section 7-803(B) Lot Width, Single Family Detached, Suburban Design.

Provision: 40 feet minimum

Request: To permit a minimum lot width of 35 feet.

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Staff Analysis: *Staff questions how this modification meets or exceeds the public purpose or improves upon the existing regulation. Staff questions how providing homes in close proximity to one another strengthens community experience and decreases the amount of impervious surface for driveways and parking lots. The Applicant states that this modification will also allow pocket parks and other open spaces throughout the community. However, Staff notes that this justification conflicts with the Applicant's justification in Modification V, Page 13, in that they assert requiring open space and amenities in separate zoning districts would create "pocket communities" and reduce meaningful community interaction. Please explain.*

Response: The public purpose is exceeded by implementing a design that achieves the vision of the Revised General Plan by creating a neighborhood community with an attractive streetscape. The modification employs a design that will not adversely impact environmentally sensitive areas while at the same time will provide attractive and beneficial green space throughout the Property. Moreover, the Applicant believes the community that can be achieved with the modification is consistent in facilitating a unified design that is in accord with the character of Lansdowne.

In response to creating "pocket communities", If the Zoning Ordinance standards were strictly enforced, it would create separate and segregate uses throughout the Property. The goal of the Revised General Plan is to create a pedestrian-scale streetscape with courtyards and meaningful open space. The Applicant believes the modification is necessary to achieve the vision of the Revised General Plan.

57. **Comment:** Section 7-803(C)(1)(a) Yards, Front.

Provision: 15 feet minimum for single family detached, suburban and traditional.

Request: To permit a front yard of 10 feet for single family detached units.

Staff Analysis: *Staff questions how this modification meets or exceeds the public purpose. Staff is concerned that minimum parking lot requirements of 3.0 spaces per dwelling unit will not be met. Staff recommends the Applicant provide additional information and details demonstrating that the parking requirements can be met. Demonstrate how this modification will be implemented on the CDP and in which landbays it will apply. Also, indicate on the CDP which development design option each landbay is developed under (i.e. traditional vs suburban). Furthermore, for lots developed under the Traditional Design option, the Applicant must demonstrate how the 20 foot setback for garages from the front line of buildings is implemented. Staff is concerned that the reduced front yard in traditionally designed neighborhoods will affect the ability to meet the garage setback regulation in Section 3-507(E)(2).*

Response: The Applicant seeks to modify the front yard to submit a community design that is consistent with the character of Lansdowne. Additionally, the modification exceeds the public purpose by allowing a unified design that meets the Revised General Plan's goal in creating a pedestrian-friendly and attractive streetscape. The Illustrative Plan demonstrates a design that can be achieved with the reduced front yard setback.

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With regard to parking, the Applicant anticipates the provisions of double space garages and driveway parking to meet the Zoning Ordinance requirement. However, as a homebuilder has not been selected and final design has not been determined, the Applicant is unable to provide specific detail regarding parking locations. Nonetheless, Note 10 on Sheet 3 confirms that the proposed development will meet the Zoning Ordinance requirements for parking.

58. Comment: Section 7-803(C)(1)(b) Yards, Side.

Provision: 8 feet minimum (16 feet minimum between units) for single family detached, suburban and traditional.

Request: To permit a side yard of 5 feet for single family detached dwelling units in the R-8 and R-16 zoning districts.

Staff Analysis: Staff questions how this modification meets or exceeds the public purpose or improves upon the existing regulation. Staff is concerned that this modification will limit the ability of a homeowner to place uses permitted in required side yards per Section 5-200 due to the reduced width. As written, this modification does not require any additional setback between buildings beyond 5 feet, which is required under Section 7-803(C)(1)(b). Staff is concerned this will result in buildings too close to each other which raises questions of safety and adequate ingress and egress. Demonstrate how this modification will be implemented on the CDP and in which landbays it will apply. Also, indicate on the CDP which development design option each landbay is developed under (i.e. traditional vs suburban).

Response: Similar to the answer above, the modification promotes a neighborhood community design with an attractive streetscape. With regard to identifying the design option, Applicant submits that the modification helps to create a unified and consistent design throughout the Property, which is in accord with the character of Lansdowne without the need of identifying development design options. Therefore, identifying the development design option is not required. The Illustrative Plan depicts a design that provides adequate ingress and egress, and demonstrates that the modification will not impact the provision of permitted uses in the side yard.

59. Comment: Section 7-803(C)(1)(c) Yards, Rear.

Provision: 25 foot minimum for single family detached, suburban and traditional.

Request: To permit a rear yard of 15 feet for single family detached dwellings in the R-8 and R-16 zoning districts.

Staff Analysis: Staff questions how this modification meets or exceeds the public purpose or improves upon the existing regulation. Staff is concerned that this modification will limit the ability of a homeowner to place uses permitted in required rear yards per Section 5-200 due to the reduced depth of the lots. Staff questions how a reduced rear yard ensures and promotes a more walkable community and community interaction that can be achieved under any other R-



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district. Demonstrate how this modification will be implemented on the CDP and in which landbays it will apply. Also, indicate on the CDP which development design option each landbay is developed under (i.e. traditional vs. suburban).

Response: The Applicant submits that the modification is necessary to permit the inclusion of attached rear garages within the development. The Illustrative Plan depicts a design of rear-loaded or detached garages that will have access from an alleyway or via a driveway at the side of the homes. The Applicant believes the modification employs a design that reduces conflicts between pedestrian and vehicular movement by removing traffic from the main thoroughfare. Further, the modification allows the Applicant to mitigate visual impacts as parking is located at the rear of the lot, which will not be visible from roadways or the surrounding community. Therefore, the Applicant submits that the modification improves upon the existing regulations by achieving the Revised General Plan's vision of creating a pedestrian-friendly community with an attractive streetscape.

With regard to identifying the design option, Applicant submits the modification helps to create a unified and consistent design throughout the Property, which is in accord with the character of Lansdowne. Therefore, identifying the development design option is not required.

60. Comment: Section 7-803(C)(2)(a) Single Family Attached Yards, Front (Traditional Design)

Provision: 15 foot minimum for single family attached units.

Request: To permit a front yard of 10 feet for single family attached dwellings in the R-8 and R-16 zoning districts.

Staff Analysis: Staff questions how this modification request meets or exceeds the public purpose or improves upon the existing regulation. Staff is concerned that the minimum parking lot requirements of 3.0 spaces per dwelling unit will not be met due to the reduced length of the required yard. Staff recommends the Applicant provide additional information and details demonstrating that the parking requirements can be met.

Response: See answer No. 56 above.

61. Comment: Section 7-803(C)(2)(b) Single Family Attached Yards, Side. (Traditional Design)

Provision: 8 feet minimum; 0 feet for interior units for single family attached dwellings.

Request: To permit a side yard of 5 feet for single family attached dwellings in the R-8 and R-16 zoning districts.

Staff Analysis: Staff questions how this modification meets or exceeds the public purpose or improves upon the existing regulation. Staff is concerned that this modification will limit the ability of a homeowner to place uses permitted in required side yards per Section 5-200 due to the reduced width. As written, this modification does not require any additional setback



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between buildings beyond 5 feet. Staff is concerned this will result in buildings too close to each other which raises issues of safety and adequate ingress and egress. Demonstrate how this modification will be implemented on the CDP and in which landbays it will apply.

Response: See answer No. 57 above.

62. Comment: Section 7-803(C)(2)(c) Single Family Attached Yards, Rear. (Traditional Design)

Provision: 15 feet minimum

Request: To permit a rear yard of 15 feet for single family attached dwellings in the R-8 and R-16 zoning districts.

Staff Analysis: Staff notes that this modification is not needed.

Response: The Applicant has removed the requested modification from the application.

63. Comment: Section 7-803(C)(3)(a) Lot Requirements, Front Yard, Multi-Family structures.

Provision: 20 feet minimum

Request: To permit a front yard of 10 feet for multi-family units in Traditional Design areas of the R-8 zoning district.

Staff Analysis: Staff questions how this modification meets or exceeds the public purpose or improves upon the existing regulation. Demonstrate how this modification will be implemented on the CDP and in which landbays it will apply. Also, indicate on the CDP which development design option each landbay is developed under (i.e. traditional vs suburban). In addition, Staff is concerned that the minimum parking lot requirements per each dwelling unit will not be met due to the reduced length of the required yard. The number of parking spaces is dependent upon the number of bedrooms in the multi-family unit. The Applicant has also not indicated the number of bedrooms in each multi-family unit so that Staff can determine whether the required off-street parking is met. Staff recommends the Applicant provide additional information and details demonstrating that the parking requirements can be met.

Response: The Applicant sought to modify the front yard to assist in the integration of uses and to help create a unified design throughout the Property. The Applicant believes the modification allows for a well-framed building elevation along the streetscape to further the community experience. The Illustrative Plan sheets depict an innovative design that can be achieved for the multi-family product and demonstrates that the modification improves upon the existing regulation as it implements the Revised General Plan's goal for a pedestrian-oriented community. However, as a homebuilder has not been selected and final design has not been determined at this time, the Applicant is unable to provide specific detail regarding the number of bedrooms. Note 10 on Sheet 3 of the CDP confirms that the proposed development will meet the Zoning Ordinance requirements for parking.



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64. Comment: Section 7-803(C)(3)(b) Lot Requirements, Side Yard, Multi-Family Structures.

Provision: 10 feet minimum; 20 feet on corner lots.

Request: To permit a side yard of 5 feet for multi-family units in Traditional Design areas of the R-8 zoning district.

Staff Analysis: Staff questions how this modification meets or exceeds the public purpose or improves upon the existing regulation. Staff is concerned that this modification will limit the ability to place uses permitted in required side yards per Section 5-200 due to the reduced width. As written, this modification does not require any additional setback between buildings beyond 5 feet. Staff is concerned this will result in buildings too close to each other which raises issues of safety and adequate ingress and egress. Demonstrate how this modification will be implemented on the CDP and in which landbays it will apply.

Response: The Applicant anticipates a single podium-style building, and therefore does not believe the setback requirement is appropriate for the anticipated product. The modification is intended to apply to all yards adjacent to roadways to allow a well-framed building elevation to strengthen the community experience. The Applicant believes the modification will allow an innovative design by permitting an accommodating amount of walk-out garage parking on the same lot or parking below the building. Moreover, the modification employs a design that increases the size of units, allow an open floorplan, and larger windows. Applicant has included illustrative drawings that implements the Applicant's innovative design that can be achieved with the reduced side yard setback.

65. Comment: Section 7-803(C)(3)(c) Lot Requirements, Rear Yard, Multi-Family Structures.

Provision: 25 feet minimum

Request: To permit a rear yard of 15 feet for multi-family units in the R-8 zoning district.

Staff Analysis: Staff questions how this request meets the Zoning Ordinance criteria for modifications. The Applicant states that the requested modifications create a "front door" character. Staff questions what the Applicant means by this statement and questions reducing the required yard by 10 feet reduces impervious surfaces and saves environmental features.

Response: Similar to the answer above, the modification is intended to apply to all yards adjacent to roadways to allow a well-framed building elevation to strengthen the community experience. Applicant has included illustrative drawings that implement the innovative design that can be achieved with the reduced yard setback.

66. Comment: Section 7-803(E) Active Recreation Space

Provision: A minimum of 5,000 square feet of active recreation space shall be provided for each group of market-rate dwelling units of more than ten (10) units. An additional 100 square feet of

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such space shall be provided for each market-rate single family detached dwelling unit and 200 square feet of such space for each single family attached dwelling unit in excess of ten (10) units. All such space shall be accessible to all residents by means of internal pedestrian walkways.

Request: *The Applicant requests that provisions be modified to permit the use of off-site amenities provided by Lansdowne and the National Conference Center.*

Staff Analysis: *Staff does not support the use of off-site amenities as a justification to meet all of the active recreation needs for this community. Staff notes that "recreation space, active" is defined in Article 8 of the Zoning Ordinance and definitions are not permitted to be modified. The Applicant is not permitted to count open space or active recreation space already dedicated in other developments to count toward the open space requirements in this Application. For areas administered as R-8, provide the active recreation space on the subject property in accordance with this Section.*

Response: See answer No. 41 above.

67. Comment: Section 7-903(C)(1)(a) Lot Requirements, Front Yard, SFA

Provision: *15 foot minimum, except as provided for in traditional design developments pursuant to Section 3-606(C)(2).*

Request: *To permit a front yard of 10 feet for single family attached dwellings in the R-8 and R-16 zoning districts.*

Staff Analysis: *Staff questions how this modification request meets or exceeds the public purpose or improves upon the existing regulation. Staff is concerned that the minimum parking lot requirements of 3.0 spaces per dwelling unit will not be met due to the reduced length of the required yard. Staff recommends the Applicant provide additional information and details demonstrating that the parking requirements can be met.*

Response: See answer No. 56 above.

68. Comment: Section 7-903(C)(1)(b) Lot Requirements, Side Yard, SFA

Provision: *8 feet minimum; 0 feet for interior units.*

Request: *To permit a side yard of 5 feet for single family attached dwellings in the R-16 zoning district.*

Staff Analysis: *Staff questions how this modification meets or exceeds the public purpose or improves upon the existing regulation. Staff is concerned that this modification will limit the ability of a homeowner to place uses permitted in required side yards per Section 5-200 due to the reduced width. As written, this modification does not require any additional setback between buildings beyond 5 feet. Staff is concerned this will result in buildings too close to each*



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other which raises issues of safety and adequate ingress and egress. Demonstrate how this modification will be implemented on the CDP and in which landbays it will apply.

Response: See answer No. 57 above.

69. *Comment: Section 7-903(C)(1)(c) Lot Requirements, Rear Yard, SFA*

Provision: 15 feet minimum

Request: To permit a rear yard of 15 feet for single family attached dwellings in the R-16 zoning district.

Staff Analysis: Staff notes that this modification is not required.

Response: The Applicant has removed the requested modification from the application.

70. *Comment: Section 7-903 (C)(2)(a) Lot Requirements, Front Yard, MF units.*

Provision: 25 feet minimum

Request: To permit a front yard of 10 feet for MF units in the R-16 zoning district.

Staff Analysis: Staff questions how this modification meets or exceeds the public purpose or improves upon the existing regulation. Demonstrate how this modification will be implemented on the CDP and in which landbays it will apply. Also, indicate on the CDP which development design option each landbay is developed under (i.e. traditional vs suburban). In addition, Staff is concerned that the minimum parking lot requirements per each dwelling unit will not be met due to the reduced length of the required yard. The number of parking spaces is dependent upon the number of bedrooms in the multi-family unit. The Applicant has also not indicated the number of bedrooms in each multi-family unit so that Staff can determine whether the required off-street parking is met. Staff recommends the Applicant provide additional information and details demonstrating that the parking requirements can be met.

Response: See answer No. 62 above.

71. *Comment: Section 7-903 (C)(2)(b) Lot Requirements, Side Yard, MF units.*

Provision: 10 feet minimum; 25 minimum on corner lots.

Request: To permit a side yard of 5 feet for MF units in the R-16 zoning district.

Staff Analysis: Staff questions how this modification meets or exceeds the public purpose or improves upon the existing regulation. Staff is concerned that this modification will limit the ability to place uses permitted in required side yards per Section 5-200 due to the reduced width. As written, this modification does not require any additional setback between buildings



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beyond 5 feet. Staff is concerned this will result in buildings too close to each other which raises issues of safety and adequate ingress and egress. Demonstrate how this modification will be implemented on the CDP and in which landbays it will apply.

Response: See answer No. 63 above.

72. *Comment: Section 7-903(C)(2)(c) Lot Requirements, Rear Yard, MF units.*

Provision: 25 feet minimum

Request: To permit a rear yard of 15 feet for MF units in the R-16 zoning district.

Staff Analysis: Staff questions how this request meets the Zoning Ordinance criteria for modifications. The Applicant states that the requested modifications create a "front door" character. Staff questions what the Applicant means by this statement and questions reducing the required yard by 10 feet reduces impervious surfaces and saves environmental features.

Response: See answer No. 64 above.

73. *Comment: Section 7-903(D) Lot Coverage.*

Provision: 60 percent maximum for MF units and 75 percent maximum for SFA units.

Request: Request to allow a maximum of 80 percent lot coverage within the R-16 zoning districts for all multi-family residential lots.

Staff Analysis: The Applicant states that this modification helps permit a pedestrian-oriented development, a traditional development design and facilitates the preservation of an unnamed tributary that crosses the subject property. Staff questions how increased lot coverage facilitates preservation of water features as an increase in building coverage creates an increase in impervious surface run-off that may ultimately flow into the unnamed tributary. Staff questions how this request meets the Zoning Ordinance criteria for modifications. In addition, Staff notes that the title of Roman Numeral IV on Page 11 of the Applicant's Statement of Justification states they are requesting a modification to allow lot coverage of 80 percent in the R-8 and R-16 zoning districts. However, the applicant has not requested a modification to the R-8 lot coverage regulations nor mentions this in their proposed modification, subparagraph B. Please explain. Also, revise the Zoning Table on Sheet 5 of the CDP, as the table is missing the reference to the maximum lot coverage of 75 percent for SFA units.

Response: The Applicant sought to modify the lot coverage to permit the density of development at a single location. The CDP has been revised to illustrate the land bay for the multi-family units. As shown on the CDP, the Applicant can submit a design that is conscious of the critical natural resources while offering mitigation of impacts to the resources at the same time. Further, the modification employs a design that increases the size of units and allows an open floorplan.

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Applicant has included illustrative drawings that implement the innovative design that can be achieved with the modification to increase lot coverage.

With regard to the R-8 reference, the statement of justification has been revised to remove the R-8 zoning district reference from the modification request. Sheet 5 of the CDP has been revised as requested by staff.

74. Comment: Section 7-903(E) Active Recreation Space

Provision: A minimum of 5,000 square feet of active recreation space shall be provided for each group of ten (10) market-rate dwelling units. An additional 200 square feet of such space shall be provided for each market-rate single family attached dwelling unit in excess of ten (10) units. All such space shall be accessible to all residents by means of internal pedestrian walkways.

Request: The Applicant requests that provisions be modified to permit the use of off-site amenities provided by Lansdowne and the National Conference Center.

Staff Analysis: Staff does not support the use of off-site amenities as a justification to meet all of the active recreation needs for this community. Staff notes that "recreation space, active" is defined in Article 8 of the Zoning Ordinance and definitions are not permitted to be modified. The Applicant is not permitted to count open space or active recreation space already dedicated in other developments to count toward the open space requirements in this Application. For areas administered as R-8, provide the active recreation space on the subject property in accordance with this Section.

Response: See answer No. 41 above.

75. Comment: Staff notes that proffers were not submitted for review at this time.

Response: A draft proffer statement is included with this submission for review.

76. Comment: Staff notes that this property is subject to the Lansdowne zoning map amendment (ZMAP-1994-0001) and its subsequent ZCPAs, which remapped the property to PD-SA. The Applicant must address how this application affects the current proffers approved with Lansdowne. Staff notes a ZCPA may be required if revisions, additions or deletions to the proffers from the previous Lansdowne rezoning are proposed or are determined to be necessary.

Response: The Applicant respectfully submits that a ZCPA application is not necessary for the Property as the existing proffers for ZMAP 1994-0001 have been fulfilled. Further, The Applicant has submitted a draft proffer statement clarifying that proffers approved with this application will supersede proffers from ZMAP 1994-0001.



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77. Comment: Add the application number, "ZMAP-2007-0004" to the Cover Sheet of the CDP.

Response: The Applicant has revised the CDP as requested by staff.

78. Comment: Provide a typical lot layout detail illustrating the required yards, lot size, lot width, and setbacks for the SFA, SFD and multifamily units proposed in this development.

Response: As final engineering of the site layout has yet to be determined, the Applicant believes it is premature to commit to a specific design. The Applicant has revised the CDP to include a note stating that lot layouts will meet the requirements of the Zoning Tabulation Chart on Sheet 5.

79. Comment: Label the street types on the CDP which serve the SFA, SFD and multifamily units.

Response: The CDP has been revised to label street types to serve the SFA, SFD, and multifamily units.

80. Comment: On Sheet 3 of the CDP, Zoning Checklist Note #1a, references Section 4-805(D)(1), which is a PD-TC (Planned Development-Town Center) zoning district Section. Explain this reference citation.

Response: The PD-TC citation has been removed from the CDP.

81. Comment: Staff notes that this application proposes SFA, SFD and multifamily units. Staff notes that there are numerous Zoning Ordinance references on Sheet 5 of the CDP that are not relevant to this application which are unnecessary and confusing. As the Applicant is only providing three unit types, remove Zoning Ordinance references for unit types that are not proposed on this application.

Response: Comment acknowledged.

82. Comment: Delete Notes #1 and #4 on Sheet 6 of the CDP as they are not necessary.

Response: Notes No. 1 and No. 4 have been removed from Sheet 6 of the CDP.

Fire and Rescue (comments dated November 6, 2007)

1. Comment: The Fire and Rescue Planning Staff, in agreement with the Fire Marshal's Office, has no objection to the application as presented.

Response: The Applicant is appreciative of Staff's support for this application.

2. Comment: Staff respectfully requests however, that emergency vehicle turn around be provided at the end of the proposed travel way north of Road C1. The travel way as



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depicted appears to be a dead-end road that would require emergency vehicles to back up a great distance.

Response: The Applicant has revised the CDP to remove Road C-1 and other various roadways, and has included a note stating all roadways will be designed to meet Loudoun County standards. At time of site plan approval, the Applicant will also ensure that all roadways are designed in a manner to provide adequate movement for emergency vehicles.

I hope this addresses the various issues raised by staff. Please contact me if you have any additional questions or need any additional information.

Sincerely,

A handwritten signature in black ink that reads "AJ Calabrese".

Antonio J. Calabrese

cc: James Gulson, Oxford Capital Partners, Inc.
Bob Woodruff, William H. Gordon Associates, Inc.
Chris Stephenson, William H. Gordon Associates, Inc.
Chris Tacinelli, Gorove/Slade Associates, Inc.
Tushar Awar, Gorove/Slade Associates, Inc.
Jason Rogers, Cooley Godward Kronish LLP

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MEMORANDUM

TO: Lou Mosurak Loudoun County
Andrew Beacher Loudoun County

CC: James Gulson WXIII/Oxford DTC Real Estate, LLC
Ben Wales Cooley Godward Kronish LLP

FROM: Anushree Goradia
Tushar Awar, P.E., PTOE
Christopher Tacinelli, P.E.

DATE: September 18, 2009

SUBJECT: Response to Comments for the National Conference Center (Residential) Traffic Impact Study (ZMAP 2007-0004) - Fourth Referral

This memorandum serves as a response to comments provided by Loudoun County dated September 14, 2009 regarding the *National Conference Center (Residential) Traffic Memorandum* submitted on December 23, 2008. Each comment is presented in *italics* with the response in **bold** immediately following.

COMMENTS:

1C) The previous (July 10, 2008) traffic analysis showed a failing AM peak hour LOS on westbound Riverpoint Drive at Upper Belmont Place under existing and total future conditions (both with and without a second ingress/egress to the site). At a meeting with the Applicant's representatives on November 21, 2008, it was agreed that the Applicant would conduct further analysis of this intersection (1) under an all-way stop condition, and (2) by means of actual field observations and counts. Analysis under an all-way stop condition has not been provided for staff review; the Applicant should explain why this was not presented. Regarding the critical gap analysis, the December 23, 2008 memorandum shows LOS A for all movements at this intersection during both the AM and PM peak hours using a critical gap of one second (critical gap is the delay between approaching vehicles that drivers attempting to enter the roadway will accept in order to pull out into oncoming traffic). OTS does not believe that the one-second critical gap is realistic under existing or forecasted future conditions and requests further discussions with the Applicant. Issue not resolved

A conference call was held with representatives from the OTS staff on September 17, 2009 to discuss the above comment. Although it was agreed to that a one-second critical gap factor for minor streets was assumed to replicate existing field conditions, OTS staff was concerned that the 1-second critical gap value should not

be carried and used under future conditions. Based on the discussions held with the staff, a supplemental traffic analysis was requested assuming a four-second and five-second critical gap for the minor streets and reanalyzing the intersection of Riverpoint Drive and Upper Belmont Place for future conditions with development.

The results of the supplemental analysis are presented in Tables 1A and 1B below:

Table 1A: Total Future (2010) Intersection Capacity Analysis – with 4.0 seconds Critical Gap

Intersection (Approach/Movement)	Total Future Conditions (2010)			
	AM Peak Hour		PM Peak Hour	
	LOS	Delay	LOS	Delay
Upper Belmont Pl and River Point Drive				
Overall (Unsignalized)	N/A	N/A	N/A	N/A
Eastbound	B	11.5	B	10.8
Westbound	C	24.9	C	19.9
Northbound Left turn	A	8.1	A	8.1
Southbound Left turn	A	0.7	A	0.2

Table 1B: Total Future (2010) Intersection Capacity Analysis – with 5.0 seconds Critical Gap

Intersection (Approach/Movement)	Total Future Conditions (2010)			
	AM Peak Hour		PM Peak Hour	
	LOS	Delay	LOS	Delay
Upper Belmont Pl and River Point Drive				
Overall (Unsignalized)	N/A	N/A	N/A	N/A
Eastbound	B	12.9	B	11.9
Westbound	E	47.0	D	29.7
Northbound Left turn	A	8.1	A	8.1
Southbound Left turn	A	0.7	A	0.2

As shown above, the intersection operates at acceptable LOS conditions assuming the critical gap factor of 4.0 seconds for the side streets. However, the westbound approach operates at LOS E in the AM peak hour by increasing the peak hour factor to 5.0 seconds. The detailed Synchro worksheets are attached at the back of the memorandum.

The field data revealed that the actual critical gap factor based on the actual average delay compiled to approx. 1 second. We acknowledge OTS staff's concern that in the future with the proposed development in place, the critical gap factor may not remain at 1 second. However, based on the minimal traffic growth expected on Upper Belmont place and trips generated by the proposed development, we are confident that a critical gap no greater than 4.0 seconds, will comfortably replicate the future conditions field conditions.

In addition, per OTS staff's request, an analysis was conducted with all-way stop proposed at the intersection of Upper Belmont Place and Riverpoint Drive. The results are presented below. Of note, the default critical gap parameters were used in this analysis. The Synchro worksheets are attached at the back of this memorandum.

Table 2: Total Future (2010) Intersection Capacity Analysis – All Way Stop Control

Intersection (Approach/Movement)	Total Future Conditions (2010)			
	AM Peak Hour		PM Peak Hour	
	LOS	Delay	LOS	Delay
Upper Belmont PI and River Point Drive				
Overall (Unsignalized)	D	32.1	B	12.9
Eastbound	B	14.2	B	10.1
Westbound	B	15.0	B	11.7
Northbound Left turn	E	49.9	B	14.2
Southbound Left turn	C	23.1	B	12.2


















APPENDIX

SYNCHRO/HCM WORKSHEETS

CRITICAL GAP – 4.0 Seconds

HCM Unsignalized Intersection Capacity Analysis 9: Upper Belmont Place &

Lansdowne Residential
9/18/2009


















												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Sign Control		Stop			Stop			Free			Free	
Grade		0%			0%			0%			0%	
Volume (veh/h)	6	19	161	122	19	24	38	414	69	18	317	9
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	7	21	175	133	21	26	41	450	75	20	345	10
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type		None			None							
Median storage (veh)												
Upstream signal (ft)								603				
pX, platoon unblocked	0.91	0.91		0.91	0.91	0.91				0.91		
vC, conflicting volume	958	996	349	1144	964	488	354			525		
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	953	996	349	1158	960	436	354			478		
tC, single (s)	*4.0	*4.0	*4.0	*4.0	*4.0	*4.0	4.1			4.1		
tC, 2 stage (s)												
tF (s)	3.5	4.0	3.3	3.5	4.0	3.3	2.2			2.2		
p0 queue free %	99	95	80	58	95	96	97			98		
cM capacity (veh/h)	442	423	861	316	433	738	1204			986		
Direction, Lane #	EB 1	WB 1	NB 1	NB 2	SB 1							
Volume Total	202	179	41	525	374							
Volume Left	7	133	41	0	20							
Volume Right	175	26	0	75	10							
cSH	757	357	1204	1700	986							
Volume to Capacity	0.27	0.50	0.03	0.31	0.02							
Queue Length 95th (ft)	27	68	3	0	2							
Control Delay (s)	11.5	24.9	8.1	0.0	0.7							
Lane LOS	B	C	A		A							
Approach Delay (s)	11.5	24.9	0.6		0.7							
Approach LOS	B	C										
Intersection Summary												
Average Delay			5.6									
Intersection Capacity Utilization			62.5%			ICU Level of Service				B		
Analysis Period (min)			15									

* User Entered Value

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HCM Unsignalized Intersection Capacity Analysis 9: Upper Belmont Place &

Lansdowne Residential
9/18/2009


















												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Sign Control		Stop			Stop			Free			Free	
Grade		0%			0%			0%			0%	
Volume (veh/h)	2	19	81	106	38	6	141	232	142	5	221	1
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	2	21	88	115	41	7	153	252	154	5	240	1
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type		None			None							
Median storage (veh)												
Upstream signal (ft)								595				
pX, platoon unblocked	0.91	0.91		0.91	0.91	0.91				0.91		
vC, conflicting volume	838	965	241	986	888	329	241			407		
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	821	961	241	984	877	263	241			348		
tC, single (s)	*4.0	*4.0	*4.0	*4.0	*4.0	*4.0	4.1			4.1		
tC, 2 stage (s)												
tF (s)	3.5	4.0	3.3	3.5	4.0	3.3	2.2			2.2		
p0 queue free %	100	95	90	70	90	99	88			100		
cM capacity (veh/h)	454	402	926	383	424	830	1325			1102		
Direction, Lane #	EB 1	WB 1	NB 1	NB 2	SB 1							
Volume Total	111	163	153	407	247							
Volume Left	2	115	153	0	5							
Volume Right	88	7	0	154	1							
cSH	733	402	1325	1700	1102							
Volume to Capacity	0.15	0.41	0.12	0.24	0.00							
Queue Length 95th (ft)	13	48	10	0	0							
Control Delay (s)	10.8	19.9	8.1	0.0	0.2							
Lane LOS	B	C	A		A							
Approach Delay (s)	10.8	19.9	2.2		0.2							
Approach LOS	B	C										
Intersection Summary												
Average Delay			5.3									
Intersection Capacity Utilization			57.7%			ICU Level of Service				B		
Analysis Period (min)			15									

* User Entered Value

CRITICAL GAP – 5.0 Seconds

HCM Unsignalized Intersection Capacity Analysis 9: Upper Belmont Place &


















Lansdowne Residential
9/18/2009

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Sign Control		Stop			Stop			Free			Free	
Grade		0%			0%			0%			0%	
Volume (veh/h)	6	19	161	122	19	24	38	414	69	18	317	9
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	7	21	175	133	21	26	41	450	75	20	345	10
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type		None			None							
Median storage (veh)												
Upstream signal (ft)								603				
pX, platoon unblocked	0.91	0.91		0.91	0.91	0.91				0.91		
vC, conflicting volume	958	996	349	1144	964	488	354			525		
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	953	996	349	1158	960	436	354			478		
tC, single (s)	*5.0	*5.0	*5.0	*5.0	*5.0	*5.0	4.1			4.1		
tC, 2 stage (s)												
tF (s)	3.5	4.0	3.3	3.5	4.0	3.3	2.2			2.2		
p0 queue free %	98	94	78	40	94	96	97			98		
cM capacity (veh/h)	334	320	781	220	331	654	1204			986		
Direction, Lane #	EB 1	WB 1	NB 1	NB 2	SB 1							
Volume Total	202	179	41	525	374							
Volume Left	7	133	41	0	20							
Volume Right	175	26	0	75	10							
cSH	656	255	1204	1700	986							
Volume to Capacity	0.31	0.70	0.03	0.31	0.02							
Queue Length 95th (ft)	33	119	3	0	2							
Control Delay (s)	12.9	47.0	8.1	0.0	0.7							
Lane LOS	B	E	A		A							
Approach Delay (s)	12.9	47.0	0.6		0.7							
Approach LOS	B	E	.									
Intersection Summary												
Average Delay			8.8									
Intersection Capacity Utilization			62.5%		ICU Level of Service					B		
Analysis Period (min)			15									

* User Entered Value

HCM Unsignalized Intersection Capacity Analysis 9: Upper Belmont Place &

Lansdowne Residential
9/18/2009

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Sign Control		Stop			Stop			Free			Free	
Grade		0%			0%			0%			0%	
Volume (veh/h)	2	19	81	106	38	6	141	232	142	5	221	1
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	2	21	88	115	41	7	153	252	154	5	240	1
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type		None			None							
Median storage (veh)												
Upstream signal (ft)								595				
pX, platoon unblocked	0.91	0.91		0.91	0.91	0.91				0.91		
vC, conflicting volume	838	965	241	986	888	329	241			407		
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	821	961	241	984	877	263	241			348		
tC, single (s)	*5.0	*5.0	*5.0	*5.0	*5.0	*5.0	4.1			4.1		
tC, 2 stage (s)												
tF (s)	3.5	4.0	3.3	3.5	4.0	3.3	2.2			2.2		
p0 queue free %	99	93	90	60	88	99	88			100		
cM capacity (veh/h)	353	308	866	286	333	771	1325			1102		
Direction, Lane #	EB 1	WB 1	NB 1	NB 2	SB 1							
Volume Total	111	163	153	407	247							
Volume Left	2	115	153	0	5							
Volume Right	88	7	0	154	1							
cSH	634	305	1325	1700	1102							
Volume to Capacity	0.17	0.54	0.12	0.24	0.00							
Queue Length 95th (ft)	16	74	10	0	0							
Control Delay (s)	11.9	29.7	8.1	0.0	0.2							
Lane LOS	B	D	A		A							
Approach Delay (s)	11.9	29.7	2.2		0.2							
Approach LOS	B	D										
Intersection Summary												
Average Delay			6.9									
Intersection Capacity Utilization			57.7%			ICU Level of Service				B		
Analysis Period (min)			15									


















* User Entered Value

A-338

ALL-WAY STOP CONTROL


















HCM Unsignalized Intersection Capacity Analysis 9: Upper Belmont Place &

Lansdowne Residential
9/18/2009

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Sign Control		Stop			Stop			Stop			Stop	
Volume (vph)	6	19	161	122	19	24	38	414	69	18	317	9
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	7	21	175	133	21	26	41	450	75	20	345	10
Direction, Lane #	EB 1	WB 1	NB 1	NB 2	SB 1							
Volume Total (vph)	202	179	41	525	374							
Volume Left (vph)	7	133	41	0	20							
Volume Right (vph)	175	26	0	75	10							
Hadj (s)	-0.48	0.09	0.53	-0.07	0.03							
Departure Headway (s)	6.9	7.5	7.2	6.6	6.6							
Degree Utilization, x	0.39	0.38	0.08	0.96	0.69							
Capacity (veh/h)	475	444	490	538	524							
Control Delay (s)	14.2	15.0	9.6	53.1	23.1							
Approach Delay (s)	14.2	15.0	49.9		23.1							
Approach LOS	B	B	E		C							
Intersection Summary												
Delay			32.1									
HCM Level of Service			D									
Intersection Capacity Utilization			62.5%			ICU Level of Service				B		
Analysis Period (min)			15									

HCM Unsignalized Intersection Capacity Analysis 9: Upper Belmont Place &

Lansdowne Residential
9/18/2009

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Sign Control		Stop			Stop			Stop			Stop	
Volume (vph)	2	19	81	106	38	6	141	232	142	5	221	1
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	2	21	88	115	41	7	153	252	154	5	240	1
Direction, Lane #	EB 1	WB 1	NB 1	NB 2	SB 1							
Volume Total (vph)	111	163	153	407	247							
Volume Left (vph)	2	115	153	0	5							
Volume Right (vph)	88	7	0	154	1							
Hadj (s)	-0.44	0.15	0.53	-0.23	0.04							
Departure Headway (s)	5.8	6.2	6.2	5.5	5.7							
Degree Utilization, x	0.18	0.28	0.27	0.62	0.39							
Capacity (veh/h)	540	520	561	633	601							
Control Delay (s)	10.1	11.7	10.3	15.7	12.2							
Approach Delay (s)	10.1	11.7	14.2		12.2							
Approach LOS	B	B	B		B							
Intersection Summary												
Delay			12.9									
HCM Level of Service			B									
Intersection Capacity Utilization			57.7%			ICU Level of Service				B		
Analysis Period (min)			15									



MEMORANDUM

TO: James Gulson

WXIII/Oxford DTC Real Estate, LLC

Ben Wales

Cooley Godward Kronish LLP

FROM: Tushar Awar, P.E.

Christopher Tacinelli, P.E.

DATE: July 10, 2008

SUBJECT: Response to Comments for the National Conference Center (Residential) Traffic Impact Study (ZMAP 2007-0004) - Second Referral

This memorandum serves as a response to comments provided by Loudoun County dated November 1, 2007 regarding the *National Conference Center (Residential) Traffic Impact Study* submitted on July 9, 2007. Each comment is presented in *italics* with the response in **bold** immediately following.

COMMENTS:

- 1) *Staff reiterates its request for existing and buildout year (2011) analysis of the Upper Belmont Place/Riverpoint Drive intersection. All site traffic for the existing conference center and the proposed residential development must pass through this intersection. Based on figures contained in Figures 7 & 8 of the Applicant's July 9, 2007 traffic study (see Attachments 8 & 9 in the first OTS referral), site-generated traffic will make up approximately 47% of total future traffic on the segment of Upper Belmont Place just outside of the existing gatehouse (1,490 site-generated VPD / 3,190 total future (2011) VPD = 46.7%). Further, the Applicant's trip generation comparison of the proposed residential uses versus other unbuilt (office) uses approved for the site does not accurately represent the future traffic volumes that would be realized should the subject application be approved. Increased traffic volumes above existing levels will result from the proposed residential units. Issue not resolved).*

Per OTS Staff's request, traffic counts were conducted at the intersection of Upper Belmont Place and Riverpoint Drive intersection on Wednesday, June 11, 2008. Since the traffic counts at the intersection of Upper Belmont Place and Riverside Parkway were conducted in May 2007, the traffic counts were balanced based on the latest intersection counts. The results of the existing conditions capacity analysis are shown in table 1 on the next page. Figures 1A and 1B show the existing traffic volumes and capacity analysis results.

Table 1: Existing (2008) Intersection Capacity Analysis

Int. No.	Intersection (Approach/Movement)	Existing Conditions (2008)			
		AM Peak Hour		PM Peak Hour	
		LOS	Delay	LOS	Delay
	Rte 659 Ext/Upper Belmont PI and Riverside Parkway				
	Overall (Signalized)	C	33.6	C	28.3
	Eastbound	C	34.0	C	23.7
	Westbound	C	20.1	C	31.4
	Northbound Left turn	C	32.6	C	28.6
	Southbound Left turn	D	41.6	C	27.3
	Upper Belmont PI and River Point Drive				
	Overall (Unsignalized)	N/A	N/A	N/A	N/A
	Eastbound	B	13.6	B	12.5
	Westbound	F	192.4	F	69.1
	Northbound Left turn	A	7.8	A	8.0
	Southbound Left turn	A	0.9	A	0.3
	Upper Belmont PI and Parking Garage Entrance				
	Overall (Unsignalized- All Way Stop Control)	A	7.7	A	7.7
	Eastbound	A	0.0	A	0.0
	Westbound	A	7.5	A	7.9
	Northbound	A	7.8	A	7.6
	Southbound	A	7.1	A	7.4

In the original traffic study dated July 9, 2007, under future without development conditions, Phase I of the Lansdowne Village Greens development was assumed to be entirely undeveloped. Phase I comprised of approximately 962 single family detached units, 642 single family attached units, 645 multi-family units for a total of 2,249 residential units. The Loudoun County Annual Growth Summary for the year 2007 shows that approximately 73% of the Lansdowne Village Greens residential development is complete. Majority of the residential land bays surrounding the Lansdowne National Conference Center are fully built out. Hence, the traffic projections for the future with and without development conditions (2011) were updated based on the latest counts and information from the Loudoun County Annual Growth Summary. The capacity analysis results for future conditions with development (2011) are shown in Table 2 below.

Table 2: Future conditions with development (2011) Intersection Capacity Analysis

Int. No.	Intersection (Approach/Movement)	Future Conditions with Development (2011)			
		AM Peak Hour		PM Peak Hour	
		LOS	Delay	LOS	Delay
	Rte 659 Ext/Upper Belmont PI and Riverside Parkway				
	Overall (Signalized)	D	39.5	C	31.7
	Eastbound	D	39.6	C	27.5
	Westbound	C	22.3	C	33.7
	Northbound Left turn	C	33.8	C	32.4

Int. No.	Intersection (Approach/Movement)	Future Conditions with Development (2011)			
		AM Peak Hour		PM Peak Hour	
		LOS	Delay	LOS	Delay
	Southbound Left turn	D	53.9	C	30.9
	Upper Belmont PI and River Point Drive				
	Overall (Unsignalized)	N/A	N/A	N/A	N/A
	Eastbound	C	16.3	B	14.3
	Westbound	F	375.3	F	166.6
	Northbound Left turn	A	8.1	A	8.1
	Southbound Left turn	A	0.7	A	0.2
	Upper Belmont PI and Parking Garage Entrance				
	Overall (Unsignalized- All Way Stop Control)	A	8.1	A	8.4
	Eastbound	A	6.9	A	6.9
	Westbound	A	8.1	A	8.8
	Northbound	A	8.3	A	8.1
	Southbound	A	0.0	A	0.0

The analysis reveals that there is no change in the levels of service from existing conditions to future with development conditions. Gaps will be created by the downstream signalized intersection for the westbound left turn traffic. In addition, the traffic generated by the proposed development is not part of the westbound left turn movement. Hence, the trips generated by the proposed development do not contribute to the failing movement. Figures 2A and 2B shows the volumes and level of service for future conditions with development scenario.

A connection is being proposed from Upper Belmont Place to Kipheart Drive (Part of the Lansdowne Village Green development). This will enable residents living in close vicinity of Kipheart Drive (Approximately 65 single family detached houses) to use Upper Belmont Place instead of Riverpoint Drive as their primary access route. Existing traffic will be rerouted and is graphically displayed in figure 3A. The capacity analysis results are shown in table 3 below and graphically in figure 3B.

Table 3: Future conditions with development (2011) Intersection Capacity Analysis – Rerouted Traffic

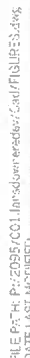
Int. No.	Intersection (Approach/Movement)	Future Conditions with Development (2011)			
		AM Peak Hour		PM Peak Hour	
		LOS	Delay	LOS	Delay
	Rte 659 Ext/Upper Belmont PI and Riverside Parkway				
	Overall (Signalized)	D	39.5	C	31.7
	Eastbound	D	39.6	C	27.5
	Westbound	C	22.3	C	33.7
	Northbound Left turn	C	33.8	C	32.4
	Southbound Left turn	D	53.9	C	30.9
	Upper Belmont PI and River Point Drive				
	Overall (Unsignalized)	N/A	N/A	N/A	N/A
	Eastbound	C	16.6	B	14.5

Int. No.	Intersection (Approach/Movement)	Future Conditions with Development (2011)			
		AM Peak Hour		PM Peak Hour	
		LOS	Delay	LOS	Delay
	Westbound	F	316.9	F	120.3
	Northbound Left turn	A	8.1	A	8.1
	Southbound Left turn	A	0.6	A	0.2
	Upper Belmont PI and Parking Garage Entrance				
	Overall (Unsignalized- All Way Stop Control)	A	8.1	A	8.7
	Eastbound	A	7.2	A	7.2
	Westbound	A	8.2	A	9.1
	Northbound	A	8.5	A	8.8
	Southbound	A	0.0	A	0.0

The analysis reveals that with the connection of Upper Belmont Place to Kipheart Drive and rerouting of existing traffic, the vehicular delay experienced at the intersection of Upper Belmont Place and Riverpoint Drive improves as shown in table 3 above.

- 2) The Applicant should clarify the discrepancy in buildout year (2011) trip generation figures between the ITE rates cited in the traffic study and addendum (1,945 VPD) (see Attachment 2) and the site-generated forecasted volumes on Upper Belmont Place immediately outside of the existing gatehouse (approximately 1,490 VPD) noted in the traffic study (PM peak hour forecasted volumes x 10) (as shown on traffic study Figure 7 (Attachment 8 in first OTS referral)).

The property currently contains two surface parking lots, which serve the National Conference Center (NCC) facilities on the northern portion of the Parcel. The existing traffic circulation along Upper Belmont Place, which only serves the National Conference Center (NCC) today, will be modified. Upper Belmont Place will be converted to a two-lane roadway in order to serve the proposed residential development on the southern portion of the parcel. However, Upper Belmont Place will continue to operate as a one-way road in order to serve the National Conference Center (NCC) facilities located on the northern portion of the parcel. Hence, the vehicles per day calculated are the total of existing traffic using the conference center facility along with the traffic generated by the proposed residential development. The forecasted daily traffic volumes (PM peak hour volumes x 10), shown on the figures in the traffic study include existing traffic and traffic generated by the proposed residential development. The revised traffic volumes are shown in Figures 2A and 3A.



July 10, 2008

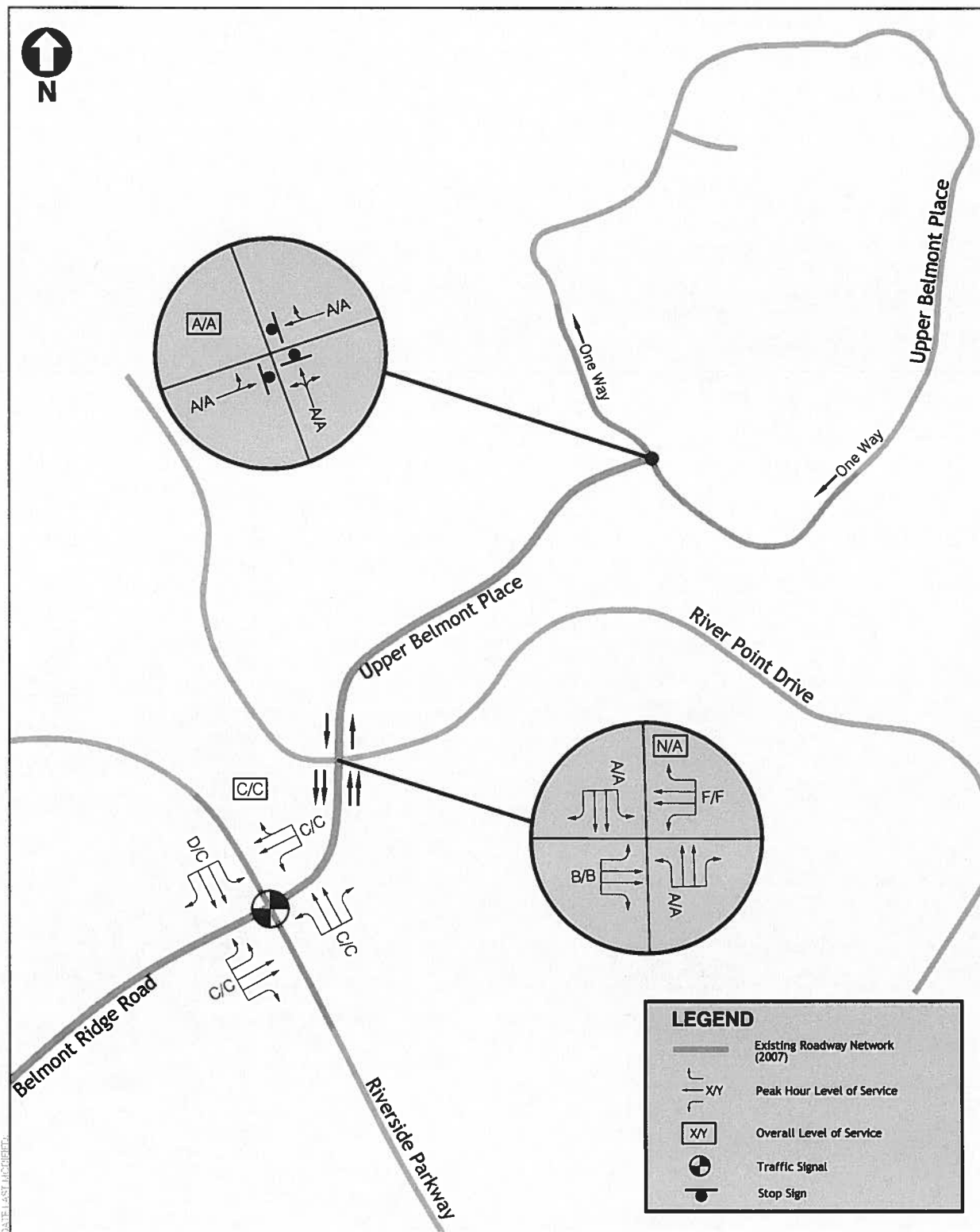


Figure 1B
Existing (2008) Peak Hour Levels of Service

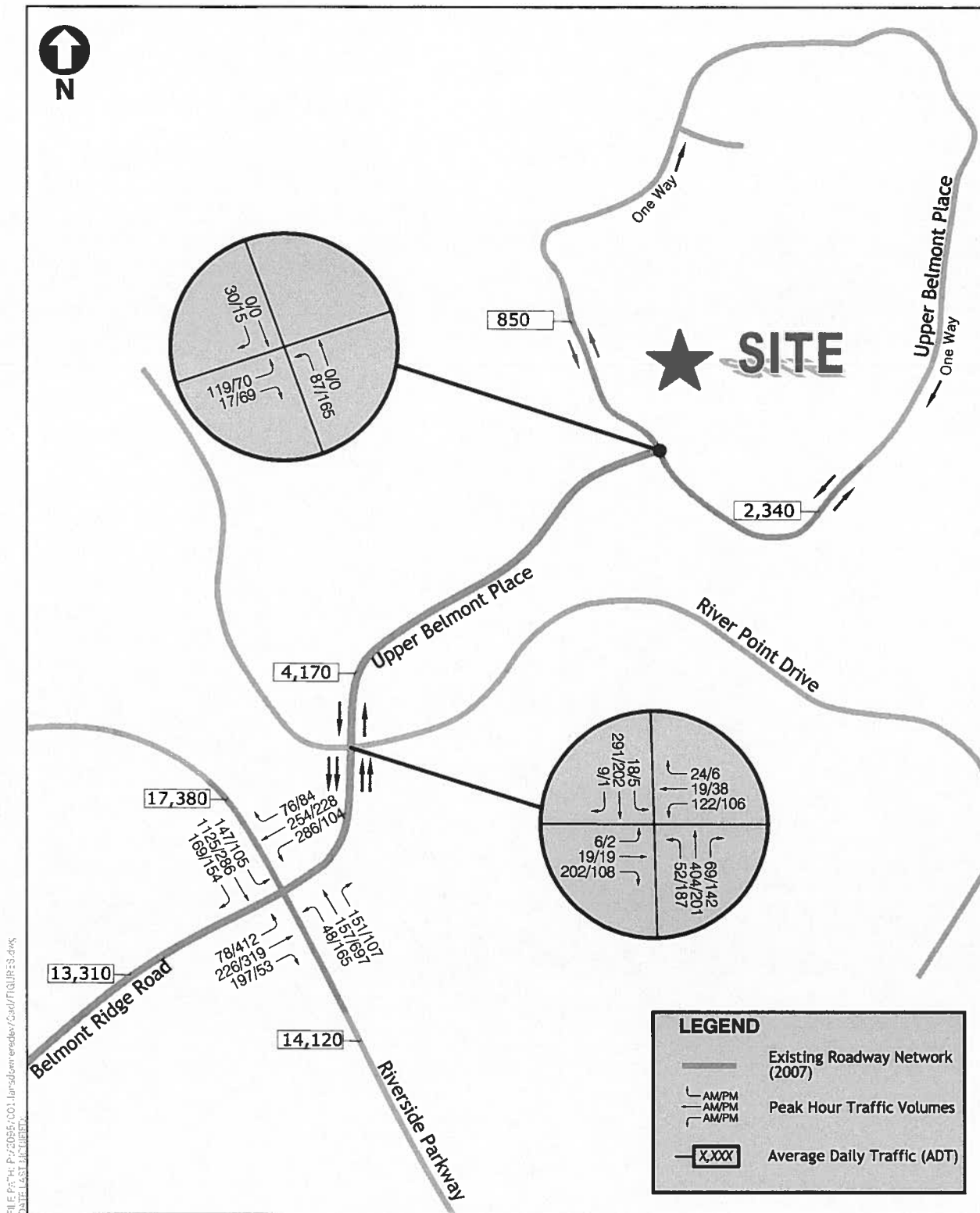


Figure 2A
Future Conditions with Development (2011) Traffic Volumes

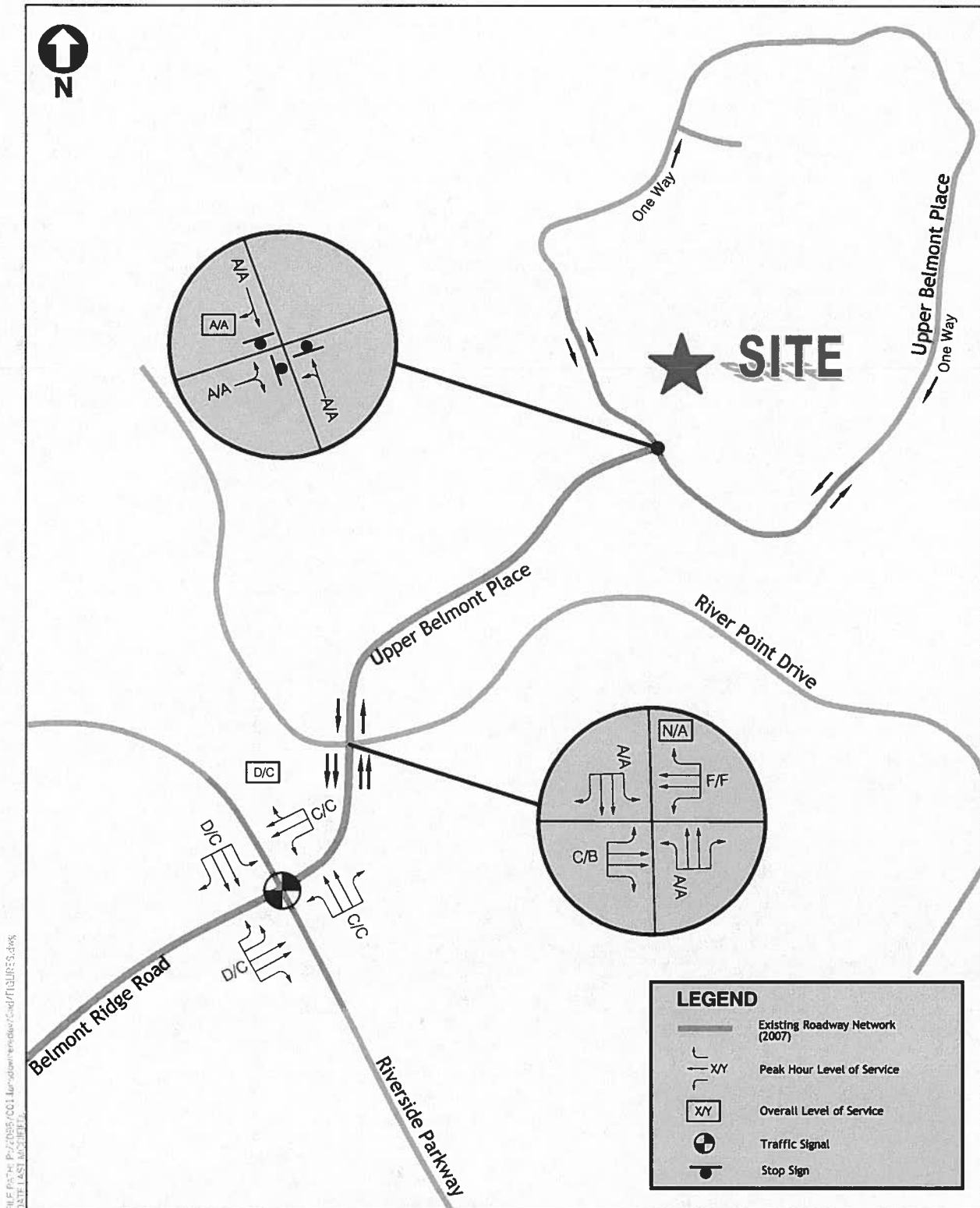


Figure 2B
Future Conditions with Development (2011) Peak Hour Levels of Service

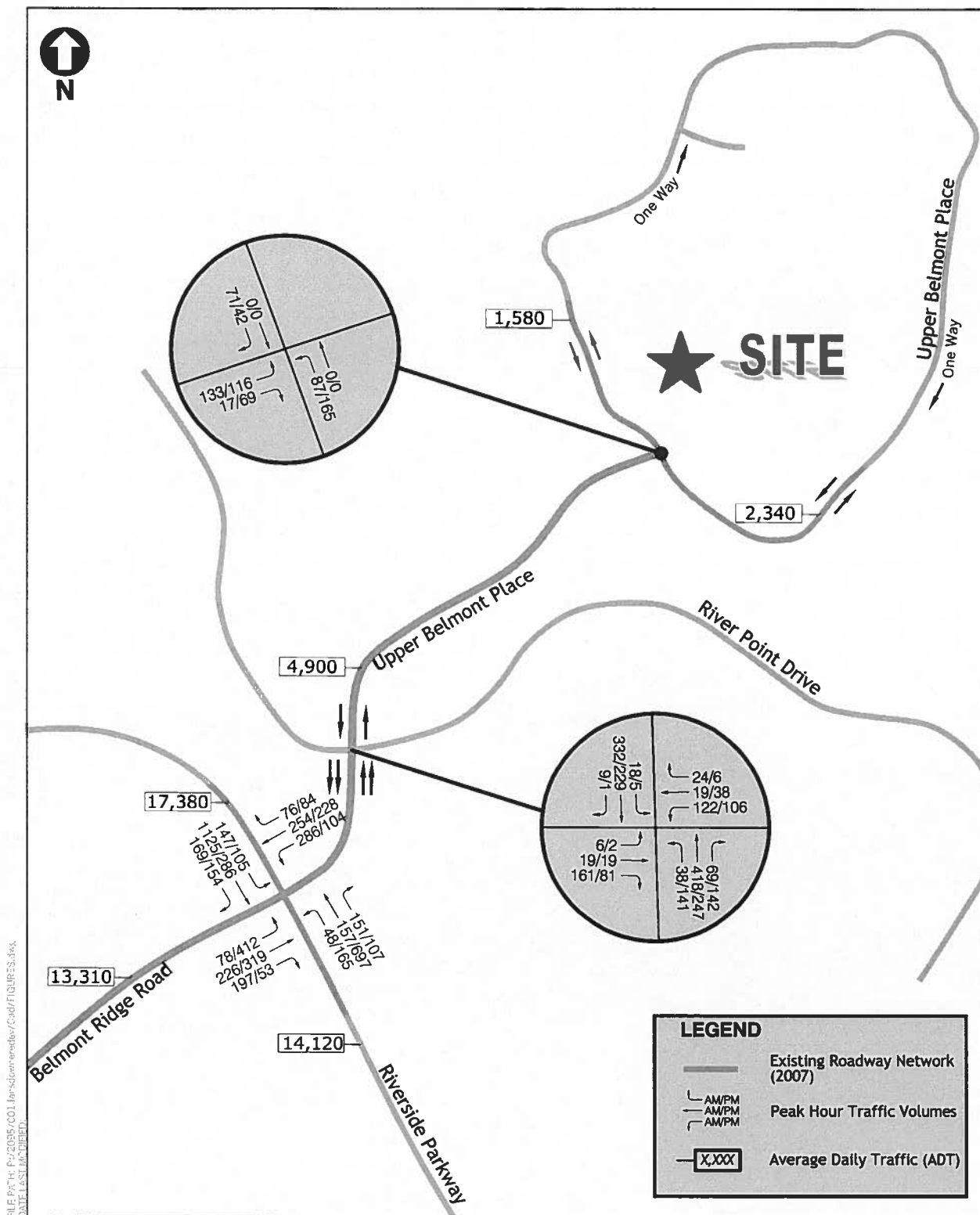


Figure 3A
Future Conditions with Development (2011) Traffic Volumes Rerouted

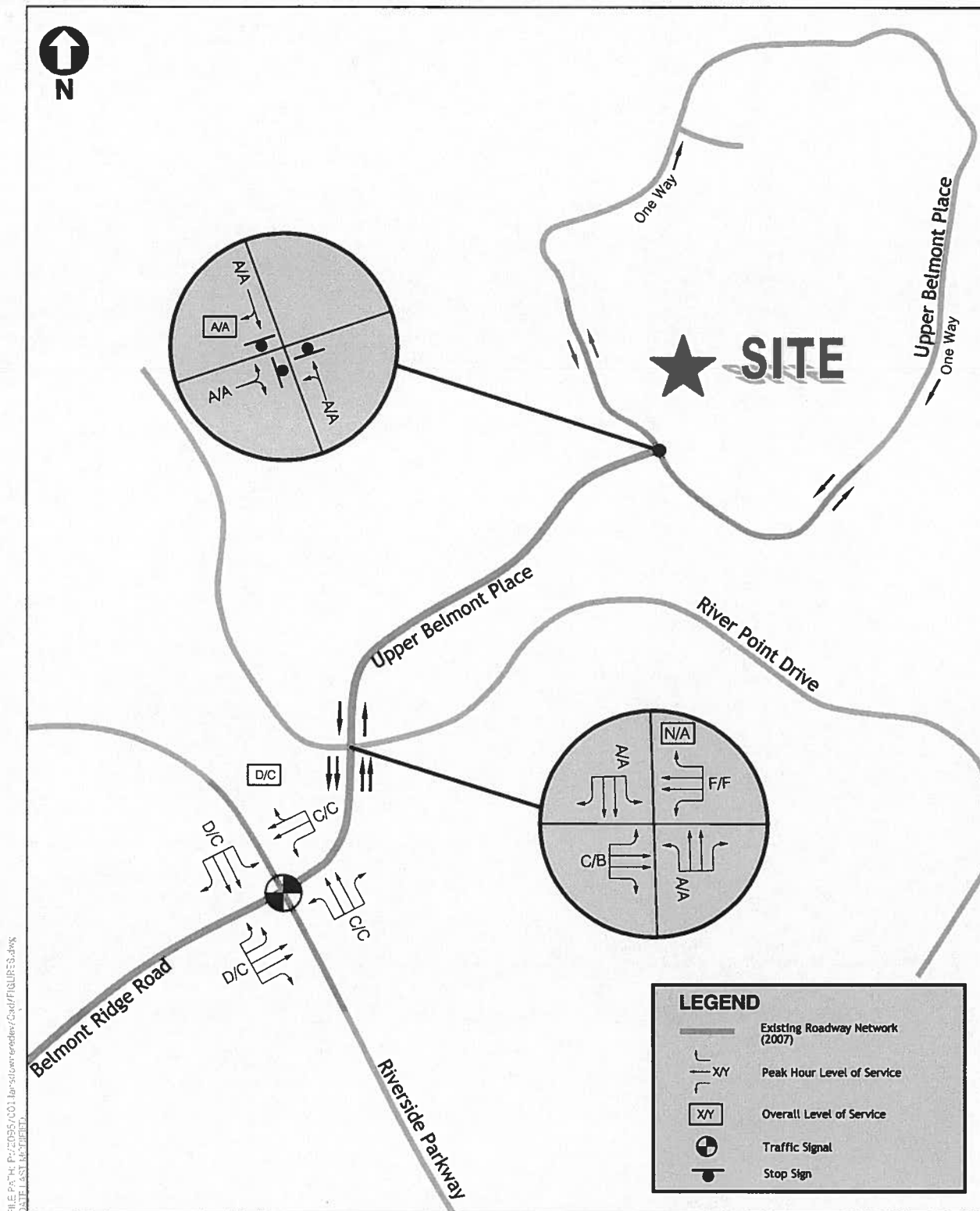


Figure 3B
Future Conditions with Development (2011) Peak Hour Levels of Service
Rerouted

July 10, 2008

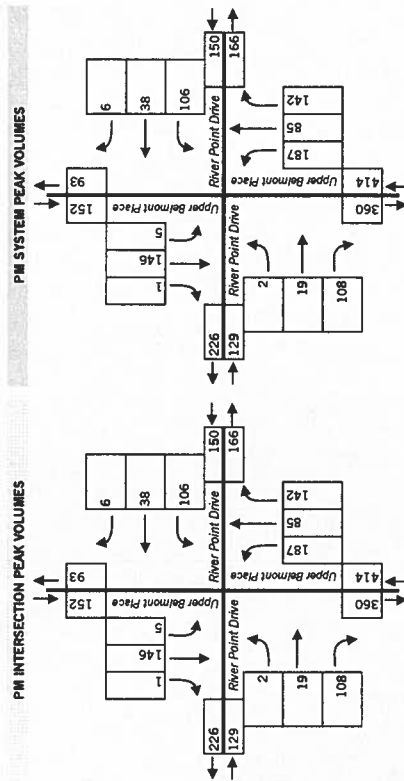
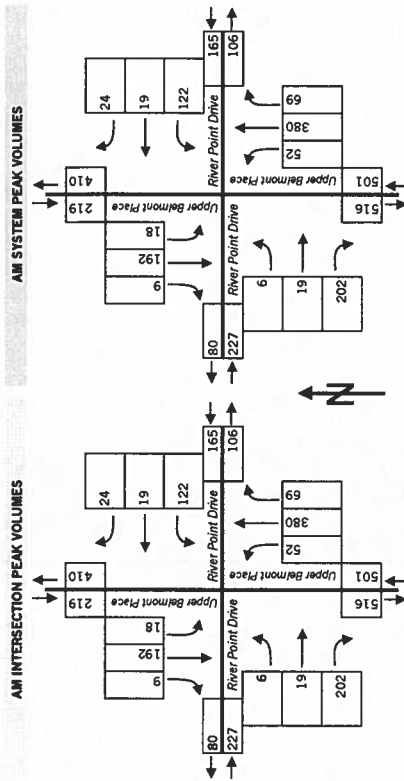
APPENDIX

Groves/Slade Associates

Project Name : Lansdowne Residential
 Project # : 2095-001
 Location : Loudoun County
 Data Source : Groves/Slade

Upper Belmont Place and River Point Drive													
Direction: Roadway: Movement:	Southbound			Westbound			Northbound			Eastbound			Peds
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	
6:00 AM to 6:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15 AM to 6:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0
6:30 AM to 6:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0
6:45 AM to 7:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00 AM to 7:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0
7:15 AM to 7:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0
7:30 AM to 7:45 AM	0	33	1	0	3	44	0	17	61	17	0	0	0
7:45 AM to 8:00 AM	1	25	1	0	1	7	32	0	28	88	10	0	1
8:00 AM to 8:15 AM	2	42	8	0	9	4	30	0	18	120	12	0	2
8:15 AM to 8:30 AM	6	92	8	0	11	5	16	0	8	111	13	0	3
8:30 AM to 8:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0
8:45 AM to 9:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0
PM PEAK													
Direction: Roadway: Movement:	Southbound			Westbound			Northbound			Eastbound			Peds
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	
4:00 PM to 4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0
4:15 PM to 4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0
4:30 PM to 4:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0
4:45 PM to 5:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00 PM to 5:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0
5:15 PM to 5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0
5:30 PM to 5:45 PM	1	49	0	0	1	10	25	0	38	27	43	0	1
5:45 PM to 6:00 PM	0	37	4	0	4	10	25	0	31	18	52	0	0
6:00 PM to 6:15 PM	0	29	0	0	1	7	29	0	31	19	58	0	0
6:15 PM to 6:30 PM	0	31	1	0	0	11	27	0	44	21	34	0	0
6:30 PM to 6:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0
6:45 PM to 7:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0
PEAK HOURS													
Direction: Roadway: Movement:	Southbound			Westbound			Northbound			Eastbound			Peds
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	
7:30 AM to 8:30 AM	9	192	18	0	24	19	122	0	69	380	52	0	0
8:30 AM to 9:30 AM	1	146	5	0	6	38	106	0	142	85	187	0	1
9:30 AM to 10:30 AM	9	192	18	0	24	19	122	0	69	380	52	0	0
10:30 AM to 11:30 AM	1	146	5	0	6	38	106	0	142	85	187	0	1
11:30 AM to 12:30 PM	9	192	18	0	24	19	122	0	69	380	52	0	0
12:30 PM to 1:30 PM	1	146	5	0	6	38	106	0	142	85	187	0	1
PEAK HOUR FACTORS													
AM PEAK HOUR	0.38	0.52	0.56	N/A	0.55	0.68	0.69	N/A	0.62	0.79	0.76	N/A	0.50
PM PEAK HOUR	0.25	0.74	0.31	N/A	0.38	0.86	0.91	N/A	0.81	0.79	0.81	N/A	0.25
Overall AM PEAK HOUR FACTOR	=			0.89			0.89			0.89			0.93
AM Period Intersection Volumes:	1113									845			
PM Period Intersection Volumes:										1113			

Date of Counts: Wednesday, June 11, 2008
 AM Weather Conditions: Cloudy
 PM Weather Conditions: Cloudy





MEMORANDUM

TO: James Gulson WXIII/Oxford DTC Real Estate, LLC
CC: Jason Rogers Cooley Godward Kronish LLP
FROM: Christopher Tacinelli, P.E.
 Tushar Awar, P.E.
 Anushree Goradia
DATE: March 06, 2008

SUBJECT: Trip Generation Comparison for Oxford National Conference Center (Residential).

INTRODUCTION

The purpose of this memorandum is to summarize a trip generation comparison between the proposed plan of the Traffic Impact Study dated July 9, 2007 and a new proposed plan for development of Oxford National Conference Center at Loudoun County, Virginia

SITE DESCRIPTION

WXIII/Oxford DTC Real Estate LLC is the owner of approximately 112.3 acres located at the northern terminus of Upper Belmont Place, southwest of Ridgeback Court in Loudoun County, Virginia. A rezoning of the southern portion of this property has been proposed to allow for residential use on the property.

The proposed program under which the Traffic Impact Study was conducted consisted of approximately 219 residential units (50 single-family detached units and 169 townhouses and residential condominiums). The new plan proposes approximately 216 residential units (50 single-family detached and 166 townhouses and residential condominiums). The construction of the site is anticipated to be complete by 2011.

TRIP GENERATION COMPARISON (PREVIOUS VS. CURRENT PLAN)

In order to calculate the trip generation for the previous and current development plans for Oxford National Conference Center, the Institute of Transportation Engineers (ITE) Trip Generation, 7th Edition publication was used to determine the trips into and out of the proposed site for the weekday morning and afternoon peak hours as well as for an entire weekday. Comparisons of trips generated by the currently proposed and the previous plans are shown in **Table 1** below.

Table 1: Trip Generation Comparison between Previous and Current Plan

Land Use	ITE Code	Size	Units	----- Week d a y -----						Daily Total
				AM Peak Hour			PM Peak Hour			
				In	Out	Total	In	Out	Total	
PREVIOUS PLAN										
Single Family Detached	210	50	DU	11	33	44	36	21	57	500
Townhouses/Condominiums	230	169	DU	13	66	79	62	30	92	1,471
TOTAL TRIPS (Previous)		219	DU	24	99	123	98	51	149	1,971
CURRENT PLAN										
Single Family Detached	210	50	DU	11	33	44	36	21	57	500
Townhouses/Condominiums	230	166	DU	13	64	77	61	30	91	1,445
TOTAL TRIPS (Current)		216	DU	24	97	121	97	51	148	1,945
Difference in Trips				0	-2	-2	-1	0	-1	-26

From the above table it can be seen that the currently proposed plan generates 2 less trips in the morning peak hour, 1 less in the afternoon peak hour and 26 less daily trips than the previous plan.

CONCLUSION

This memorandum summarizes a trip generation comparison between the previous and current plan for the Oxford National Conference Center development in Loudoun County, Virginia. The current plan generates 2 less trips in the morning peak hour, 1 less trip in the afternoon peak hour and 26 less daily trips than the previous plan. It can be concluded from the analysis presented in this memorandum that the current plan will generate less traffic than the previous plan and will not result in any change to the findings or conclusions of the study.

Traffic Impact Study

Oxford National Conference Center – Rezoning

Loudoun County, Virginia

July 9, 2007

Prepared For:
WXIII/Oxford DTC Real Estate, LLC
18940 Upper Belmont Place
Leesburg VA 20176

Prepared By:

Gorove/Slade
Associates, Inc.



A - 356



EXECUTIVE SUMMARY

WXIII/Oxford DTC Real Estate LLC is the owner of approximately 112.3 acres located at the northern terminus of Upper Belmont Place, southwest of Ridgeback Court in Loudoun County, Virginia. A rezoning of the southern portion (45.76 acres) of this property is being proposed to allow for residential use on the property, comprising of up to 50 single-family detached units and approximately 169 townhouse/condo units. The following report presents the findings of a traffic impact analysis for the proposed rezoning.

The property is currently zoned as PD-SA and contains two surface parking lots (containing approx. 727 parking spaces), which serve the National Conference Center (“NCC”) facilities located on the northern portion of the Parcel. The property is within the Suburban Policy Area and, according to the Land Use Map of the revised General Plan, is entirely planned for residential use. Access to the proposed development will be via Upper Belmont Place. The site entrance to the proposed development will replace the existing entrance to the two surface parking lots.

According to Loudoun County’s Facility Standards Manual (FSM), it is desirable to achieve an overall and per approach level of service (LOS) D or better. Based on these guidelines, the analysis presented in this report supports the following major conclusions:

- The proposed development will generate approximately 125 weekday morning peak hour trips, approximately 150 weekday afternoon peak hour trips, and approximately 1,970 average daily trips.
- The proposed development will generate approximately 865 (90%) less weekday morning peak hour trips, approximately 825 (85%) less weekday afternoon peak hour trips, and approximately 4,600 (70%) less average daily trips than the trips generated by the approved development.
- All study intersections operate at acceptable levels of service under the existing, future without development, and future with development conditions.
- Overall, the proposed development will have a negligible impact on the surrounding roadway network.



INTRODUCTION

WXIII/Oxford DTC Real Estate LLC is the owner of approximately 112.3 acres located at the northern terminus of Upper Belmont Place, southwest of Ridgeback Court in Loudoun County, Virginia. A rezoning of the southern portion (45.76 acres) of this property is being proposed to allow for residential use on the property, comprising of up to 50 single-family detached units and approximately 169 townhouse/condo units. A regional map showing the location of the site is included in **Figure 1**.

The property is currently zoned as PD-SA and contains two surface parking lots (containing approx. 727 parking spaces), which serve the National Conference Center (“NCC”) facilities located on the northern portion of the Parcel. The property is within the Suburban Policy Area and, according to the Land Use Map of the revised General Plan, is entirely planned for residential use. The project is scheduled to be completed by 2011.

The following tasks were completed as part of this study in accordance with direction received from Loudoun County staff at a scoping meeting held on April 25, 2007. A copy of the scoping letter is included in the Technical Appendix.

- Field reconnaissance in the vicinity of the site was performed to collect information related to existing traffic controls, roadway geometry, and traffic flow characteristics.
- Traffic counts were conducted on Thursday May 03, 2007 during the morning and afternoon peak hours at the intersections located within the study area.
- Future traffic conditions were estimated based on projected regional growth, other approved background developments located within the study area, and the proposed development plan.
- Site traffic volumes were generated based on the methodology outlined in the Institute of Transportation Engineers’ (ITE) Trip Generation, 7th Edition.
- Intersection capacity analyses were performed using *Synchro, version 6.0* based on the Highway Capacity Manual data and methodology. The HCM worksheets are included in the Technical Appendix.
- Traffic analyses were performed at the intersections contained within the study area for the existing (2007) and full build-out year (2011) conditions with and without the proposed development.

Sources of data for this study include Loudoun County, Virginia Department of Transportation (VDOT), WXIII/Oxford DTC Real Estate LLC, the Institute of Transportation Engineers (ITE) Trip Generation, 7th Edition, and the office files of Gorove/Slade Associates, Inc.

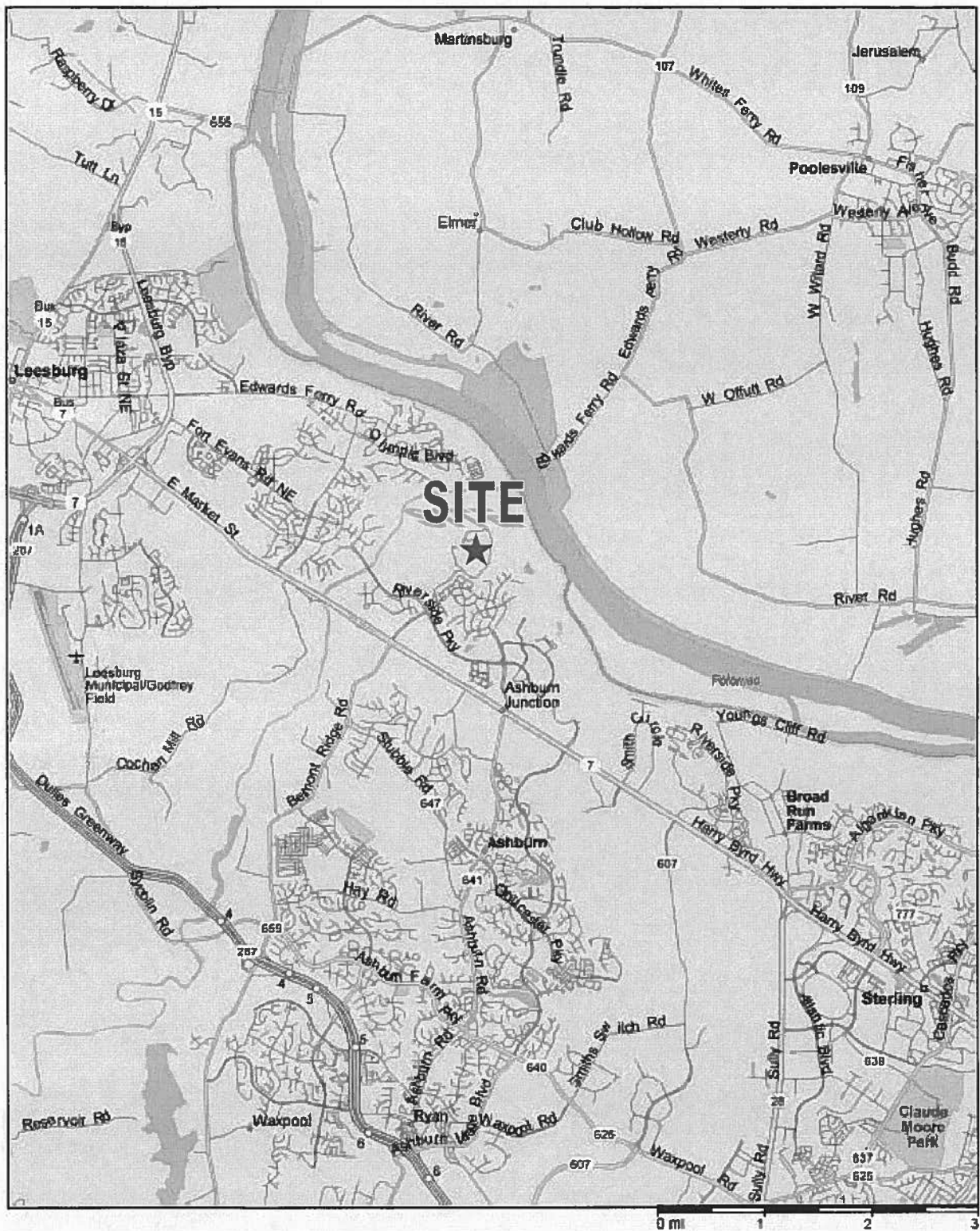


Figure 1: Regional Map and Site Location